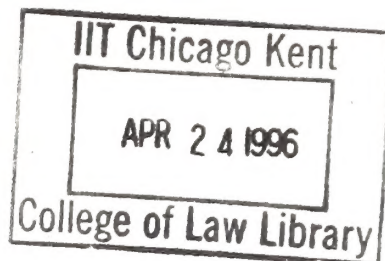


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1996

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Rules of Governmental Agencies

Volume 20, Issue 16 — April 19, 1996

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published by
George H. Ryan
Secretary of State

TABLE OF CONTENTS

April 19, 1996 Volume 20, Issue 16

PROPOSED RULES

ELECTIONS, STATE BOARD OF

Miscellaneous

26 Ill. Adm. Code 2075763

FINANCIAL INSTITUTIONS, DEPARTMENT OF

Schedules Of Maximum Rates To Be Charged For Check Cashing And Writing
Of Money Orders By Community And Ambulatory Currency Exchanges

38 Ill. Adm. Code 1305770

REVENUE, DEPARTMENT OF

Retailers' Occupation Tax

86 Ill. Adm. Code 1305774

ADOPTED RULES

NATURAL RESOURCES, DEPARTMENT OF

Urban And Community Forestry Grant Program

17 Ill. Adm. Code 15385788

FINANCIAL INSTITUTIONS, DEPARTMENT OF

Consumer Installment Loan Act

38 Ill. Adm. Code 1105799

Illinois Credit Union Act

38 Ill. Adm. Code 1905803

Transmitters Of Money Act

38 Ill. Adm. Code 2055811

GAMING BOARD, ILLINOIS

Riverboat Gambling

86 Ill. Adm. Code 30005814

HEALTH FACILITIES AUTHORITY, ILLINOIS

Sale Of Bonds

77 Ill. Adm. Code 14005831

INSURANCE, DEPARTMENT OF

Definition Of Salary

50 Ill. Adm. Code 63025838

Surplus Line Business Requirements

50 Ill. Adm. Code 28015846

PROFESSIONAL REGULATION, DEPARTMENT OF

Illinois Professional Land Surveyor Act Of 1989

68 Ill. Adm. Code 12705852

PUBLIC AID, DEPARTMENT OF

Medical Payment

89 Ill. Adm. Code 1405858

RACING BOARD, ILLINOIS

Account Wagering

11 Ill. Adm. Code 3215878

Forbidden Conduct

11 Ill. Adm. Code 13205883

Horse Health Rules

11 Ill. Adm. Code 14315886

SECRETARY OF STATE

Literacy Grant Program

23 Ill. Adm. Code 30405889

**AGENCY NOTICES OF MODIFICATION, WITHDRAWAL OR REFUSAL
TO PROPOSED RULES**

REVENUE, DEPARTMENT OF

Property Tax Code

86 Ill. Adm. Code 110, Withdrawal (Objection)5895

NOTICE OF CORRECTION TO NOTICE ONLY

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

Standard Procurement

44 Ill. Adm. Code 15896

The Travel Regulation Council

80 Ill. Adm. Code 30005897

NOTICE OF PUBLICATION ERROR - JOINT COMMITTEE ON ADMINISTRATIVE RULES

PUBLIC AID, DEPARTMENT OF

Demonstration Programs

89 Ill. Adm. Code 1705898

REGULATORY AGENDA

REVENUE, DEPARTMENT OF

Income Tax

86 Ill. Adm. Code 1005908

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Agenda for Meeting of April 23, 19965917

Second Notices Received5925

Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April 19, 1996 - Issue 16: Through	March 31, 1996
July 19, 1996 - Issue 29: Through	June 30, 1996
October 18, 1996 - Issue 42: Through	September 30, 1996
January 17, 1997 - Issue 3: Through	December 31, 1996 (Annual)

REGISTER PUBLICATION SCHEDULE 1996

Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:
Dec. 19, 1995	Dec. 26, 1995	1	Jan. 5, 1996	June 25, 1996	July 2, 1996	28	July 12, 1996
Dec. 26, 1995	Jan. 2, 1996	2	Jan. 12, 1996	July 2, 1996	July 9, 1996	29	July 19, 1996
Jan. 2, 1996	Jan. 9, 1996	3	Jan. 19, 1996	July 9, 1996	July 16, 1996	30	July 26, 1996
Jan. 9, 1996	Jan. 16, 1996	4	Jan. 26, 1996	July 16, 1996	July 23, 1996	31	Aug. 2, 1996
Jan. 16, 1996	Jan. 23, 1996	5	Feb. 2, 1996	July 23, 1996	July 30, 1996	32	Aug. 9, 1996
Jan. 23, 1996	Jan. 30, 1996	6	Feb. 9, 1996	July 30, 1996	Aug. 6, 1996	33	Aug. 16, 1996
Jan. 30, 1996	Feb. 6, 1996	7	Feb. 16, 1996	Aug. 6, 1996	Aug. 13, 1996	34	Aug. 23, 1996
Feb. 6, 1996	Feb. 13, 1996	8	Feb. 23, 1996	Aug. 13, 1996	Aug. 20, 1996	35	Aug. 30, 1996
Feb. 13, 1996	Feb. 20, 1996	9	Mar. 1, 1996	Aug. 20, 1996	Aug. 27, 1996	36	Sept. 6, 1996
Feb. 20, 1996	Feb. 27, 1996	10	Mar. 8, 1996	Aug. 27, 1996	Sept. 3, 1996	37	Sept. 13, 1996
Feb. 27, 1996	Mar. 5, 1996	11	Mar. 15, 1996	Sept. 3, 1996	Sept. 10, 1996	38	Sept. 20, 1996
Mar. 5, 1996	Mar. 12, 1996	12	Mar. 22, 1996	Sept. 10, 1996	Sept. 17, 1996	39	Sept. 27, 1996
Mar. 12, 1996	Mar. 19, 1996	13	Mar. 29, 1996	Sept. 17, 1996	Sept. 24, 1996	40	Oct. 4, 1996
Mar. 19, 1996	Mar. 26, 1996	14	Apr. 5, 1996	Sept. 24, 1996	Oct. 1, 1996	41	Oct. 11, 1996
Mar. 26, 1996	Apr. 2, 1996	15	Apr. 12, 1996	Oct. 1, 1996	Oct. 8, 1996	42	Oct. 18, 1996
Apr. 2, 1996	Apr. 9, 1996	16	Apr. 19, 1996	Oct. 8, 1996	Oct. 15, 1996	43	Oct. 25, 1996
Apr. 9, 1996	Apr. 16, 1996	17	Apr. 26, 1996	Oct. 15, 1996	Oct. 22, 1996	44	Nov. 1, 1996
Apr. 16, 1996	Apr. 23, 1996	18	May 3, 1996	Oct. 22, 1996	Oct. 29, 1996	45	Nov. 8, 1996
Apr. 23, 1996	Apr. 30, 1996	19	May 10, 1996	Oct. 29, 1996	Nov. 4, 1996 (Mon.)	46	Nov. 15, 1996
Apr. 30, 1996	May 7, 1996	20	May 17, 1996	Nov. 4, 1996	Nov. 12, 1996	47	Nov. 22, 1996
May 7, 1996	May 14, 1996	21	May 24, 1996	Nov. 12, 1996	Nov. 19, 1996	48	Dec. 2, 1996 (Mon.)
May 14, 1996	May 21, 1996	22	May 31, 1996	Nov. 19, 1996	Nov. 26, 1996	49	Dec. 6, 1996
May 21, 1996	May 28, 1996	23	June 7, 1996	Nov. 26, 1996	Dec. 3, 1996	50	Dec. 13, 1996
May 28, 1996	June 4, 1996	24	June 14, 1996	Dec. 3, 1996	Dec. 10, 1996	51	Dec. 20, 1996
June 4, 1996	June 11, 1996	25	June 21, 1996	Dec. 10, 1996	Dec. 17, 1996	52	Dec. 27, 1996
June 11, 1996	June 18, 1996	26	June 28, 1996	Dec. 17, 1996	Dec. 23, 1996 (Mon.)	1	Jan. 3, 1997
June 18, 1996	June 25, 1996	27	July 5, 1996	Dec. 23, 1996	Dec. 31, 1996	2	Jan. 10, 1997

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Miscellaneous
- 2) Code Citation: 26 Ill. Adm. Code 207
- 3) Section Numbers: Proposed Action:
207.140 New
207.Appendix B Amend
- 4) Statutory Authority: Implements Articles 4, 5, and 6 and authorized by Section 1A-8(9) of the Election Code [10 ILCS 5/Arts. 4, 5 and 6 and 1A-8(9)]
- 5) A Complete Description of the Subjects and Issues Involved: New Section 207.140 governs the approval and description of signature digitization systems. 207.Appendix B amends changes in the format of the voter identification systems (VIS) tapes submitted by election authorities to conform to the National Voter Registration Act of 1993 (28 U.S.C. Section 1973gg et seq.).
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives:

207.140 Establishes uniformity among election authorities concerning the kinds of signature digitization systems which may be used.

207.Appendix B Establishes uniformity among the election authorities concerning the information which must be supplied on VIS computer tapes.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this notice to:

State Board of Elections
A.L. Zimmer, General Counsel
James R. Thompson Center
100 West Randolph Street
Suite 14-100

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

Chicago, IL 60601
(312) 814-6477

or at a Public Hearing to be held on April 19, 1996 at the State Board of Elections principal office located at 1020 Spring Street, Springfield, Illinois and April 22, 1996 at the James R. Thompson Center, 100 W. Randolph Street, Chicago, Illinois. Please contact the Board's offices for verification of hearing, time, room and date.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Election Supply and Service Vendors
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: Perceived difficulties led to delays in determining the scope of the digitization process prescribed by this rulemaking beyond the deadline for the most recent regulatory agenda.

The full text of the Proposed Amendment begins on the next page:

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

TITLE 26: ELECTIONS
CHAPTER I: STATE BOARD OF ELECTIONS

PART 207

MISCELLANEOUS

- Section
- 207.10 Failure to Nominate Candidate
- 207.20 Notice of Primary Election -- County of 500,000 Or More
- 207.30 Document Copying Fees
- 207.40 County Clerk Notifications to State Board of Elections of Certain Filings for Office
- 207.50 Deputy Registrars; Definition of Bonafide State Civic Organization
- 207.60 Chad Removal
- 207.70 Post Tabulation Testing
- 207.80 Notation of Straight Party Tickets and of Overvotes and Undervotes by Electronic Voting Systems
- 207.90 Reporting of Errors in Vote Tabulation Where Electronic Voting Systems Are In Use
- 207.100 Requirements for Operator's Log
- 207.110 Requirements for Voter Information Tapes
- 207.120 Procedures for Election Night Equipment Failure
- 207.130 Testing Voting Systems
- 207.140 Certification of Signature Imaging Systems
- APPENDIX A Log for Vote Tabulation
- APPENDIX B VIS Format

AUTHORITY: Implementing Sections 4-8, 5-7, 6-35, and authorized by Section 1A-8(9) of the Election Code [10 ILCS 5/4-8, 5-7, 6-35 and 1A-8(9)].

SOURCE: Adopted at 2 Ill. Reg. 25, p. 70, effective July 3, 1978; codified at 6 Ill. Reg. 7219; amended at 6 Ill. Reg. 8976, effective July 12, 1982; amended at 8 Ill. Reg. 24560, effective December 6, 1984; amended at 11 Ill. Reg. 18560, effective October 30, 1987; amended at 15 Ill. Reg. 14427, effective September 27, 1991; amended at 18 Ill. Reg. 14714, effective September 9, 1994; amended 20 Ill. Reg. _____, effective _____.

Section 207.140 Certification of Signature Imaging Systems

- a) A signature imaging system is a system of computer hardware and software which captures, stores and reproduces an image of a signature from an original document.
- b) Except for those signature imaging systems in use by election authorities on the date this Section becomes effective, no signature imaging system may be employed by an election authority unless it is first approved by the State Board of Elections (Board) upon the application of the election authority seeking to employ the system.
- c) Each election authority applying to the Board for the certification of

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

a signature imaging system shall make its application in writing and shall represent to the Board that the system it seeks to have certified complies with applicable statutes. Such representation shall be sufficient evidence of compliance for the Board to certify the system.

- d) The Board shall, for good cause shown, decertify any system previously certified for use by election authorities.
- e) The application, approval, and decertification process shall be in accord with those procedures set out in 26 Ill. Adm. Code 204. Approval of Voting Systems, except that:
- 1) the election authority shall make the application for certification;
 - 2) signature imaging systems shall not be required to meet the requirements of 26 Ill. Adm. Code 204.40 for interim or final approval, nothing in 26 Ill. Adm. Code 204 to the contrary withstanding;
 - 3) the Board shall accept the representation of the election authority that the system complies with applicable statutes as prima facie evidence that the system does in fact so comply;
 - 4) in the event that the Board determines to test a system in anticipation of decertification, it shall require the election authority to prepare a sample poll list of signature images of voters of the kind intended to be used in the polling place, not to exceed 5% of the precincts in the jurisdiction of the election authority, together with the original documents from which those signature images with the originals; and
 - 5) The Board shall provide not less than thirty (30) days notice to an election authority prior to testing a certified system and shall not decertify a certified system in the thirty (30) days immediately preceding an election.

The Board shall prescribe the form of the application and shall publish and make available to election authorities procedural operation criteria that meet the requirements of applicable statutes. Signature imaging systems which are in actual use or under lease or purchase agreement by election authorities on the effective date of this Section shall be deemed to comply with the requirements of this Section for the first 120 days after the effective date of this Section.

(Source: Added at 20 Ill. Reg. _____, effective _____)

STATE BOARD OF ELECTIONS
NOTICE OF PROPOSED AMENDMENTS

Section 207.APPENDIX B VIS Format

STATE OF ILLINOIS
STATE BOARD OF ELECTIONS

VOTER INFORMATION SYSTEM
PRESCRIBED FORM

Technical Data

9 Track Magnetic Tape
EBCDIC
1600 bpi or 6250 bpi

DATA ITEM A/N LENGTH FROM POS. TO POS.

JURISDICTION CODE N 3 1 3
VOTER IDENTIFICATION CODE N 8 4 11

JURISDICTION DATA

CONGRESSIONAL DISTRICT N 2 12 13
LEGISLATIVE DISTRICT N 2 14 15
REPRESENTATIVE DISTRICT N 3 16 18
TOWNSHIP CODE A/N 2 19 20
CITY CODE A/N 2 21 22
WARD N 2 23 24
PRECINCT N 4 25 28

VOTER DATA

REGISTRATION DATE

MONTH N 2 29 30
DAY N 2 31 32
YEAR N 2 33 34

VOTER NAME

LAST NAME A/N 20 35 54
FIRST NAME A/N 15 55 69
MIDDLE NAME A/N 15 70 84
NAME SUFFIX A/N 3 85 87

VOTER ADDRESS

ADDRESS FORMAT INDICATOR A/N 1 88 88
FREE FORM STREET A/N 38 89 126

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

FORMATTED STREET
HOUSE NUMBER A/N 5 89 93
HOUSE FRACTION A/N 1 94 94
STREET DIRECTION A/N 2 95 96
STREET NAME A/N 24 97 120

RURAL ADDRESS
RURAL ADDR NAME A/N 16 97 112
RURAL COORDINATE 1 N 4 113 116
RURAL COORDINATE 2 N 4 117 120
APARTMENT LOT BOX
INDICATOR A/N 1 121 121
APARTMENT LOT BOX NUMBER A/N 5 122 126

CITY A/N 20 127 146
ZIP CODE N 9 147 155

SEX CODE A/N 1 156 156

BIRTH DATE
MONTH N 2 157 158
DAY N 2 159 160
CENTURY N 2 161 162
YEAR N 2 163 164

SOCIAL SECURITY NUMBER N 9 165 173

DRIVERS LICENSE NUMBER A/N 12 174 185

TELEPHONE NUMBER N 10 186 195

NATURALIZED-CITIZEN
INDICATOR A/N 1 196 196

REGISTRATION TYPE A/N 1 196 196

PHYSICAL IMPAIRMENT
INDICATOR A/N 1 197 197

VOTING HISTORY MATRIX

ELECTION YEAR (1) N 2 198 199
ELECTION TYPE (1,1) A/N 1 200 200
VOTE INDICATOR (1,1) A/N 1 201 201
ELECTION TYPE (1,2) A/N 1 202 202
VOTE INDICATOR (1,2) A/N 1 203 203
ELECTION TYPE (1,3) A/N 1 204 204
VOTE INDICATOR (1,3) A/N 1 205 205

DEPARTMENT OF FINANCIAL INSTITUTIONS

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Schedule of Maximum Rates to be charged for check cashing and writing of money orders by Community and Ambulatory Currency Exchanges
- 2) Code Citation: 38 Ill. Adm. Code 130
- 3) Section Number: Proposed Action:
130.30 Amendment
130.60 Amendment
- 4) Statutory Authority: 205 ILCS 405/19.3
- 5) A complete description of the Subjects and Issues Involved: The proposed amendment adjusts the maximum check cashing rate for currency exchanges, in accordance with the Director's decision in the Currency Exchange Check Cashing Rate Hearing.
- 6) Will this Proposed Rule Replace an Emergency Rule Currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date: No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this part? No
- 10) Statement of Statewide Policy Objectives: The proposed rule will allow currency exchanges to charge the maximum check cashing rates set forth in the Director's Decision in the currency exchange Checking Cashing Rate Hearing. The increased rates will allow the currency exchange industry to remain financially stable.
- 11) Time, place and manner in which interested parties may comment on this proposed rulemaking:

Ms. M. Rose Kelly

Chief Counsel

Illinois Department of Financial Institutions

100 W. Randolph, Suite 15-700

Chicago, IL 60601

(312) 814-2008

12) Initial Regulatory Flexibility Analysis:

A) Date Rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: March 29, 1996

B) Types of Small Businesses Affected: Currency Exchanges

ELECTION YEAR	(2)	N	2	206	207
ELECTION TYPE	(2,1)	A/N	1	208	208
VOTE INDICATOR	(2,1)	A/N	1	209	209
ELECTION YEAR	(2,2)	A/N	1	210	210
ELECTION TYPE	(2,2)	A/N	1	211	211
VOTE INDICATOR	(2,2)	A/N	1	212	212
ELECTION YEAR	(2,3)	A/N	1	213	213
ELECTION TYPE	(2,3)	A/N	1	214	214
VOTE INDICATOR	(2,3)	A/N	1	215	215
ELECTION YEAR	(3)	N	2	216	216
ELECTION TYPE	(3,1)	A/N	1	217	217
VOTE INDICATOR	(3,1)	A/N	1	218	218
ELECTION YEAR	(3,2)	A/N	1	219	219
ELECTION TYPE	(3,2)	A/N	1	220	220
VOTE INDICATOR	(3,2)	A/N	1	221	221
ELECTION YEAR	(4)	N	2	222	223
ELECTION TYPE	(4,1)	A/N	1	223	224
VOTE INDICATOR	(4,1)	A/N	1	224	225
ELECTION YEAR	(4,2)	A/N	1	225	226
ELECTION TYPE	(4,2)	A/N	1	226	227
VOTE INDICATOR	(4,2)	A/N	1	227	228
ELECTION YEAR	(4,3)	A/N	1	228	229
ELECTION TYPE	(4,3)	A/N	1	229	230
VOTE INDICATOR	(4,3)	A/N	1	230	231
ELECTION YEAR	(5)	N	2	231	232
ELECTION TYPE	(5,1)	A/N	1	232	233
VOTE INDICATOR	(5,1)	A/N	1	233	234
ELECTION YEAR	(5,2)	A/N	1	234	235
ELECTION TYPE	(5,2)	A/N	1	235	236
VOTE INDICATOR	(5,2)	A/N	1	236	237
ELECTION YEAR	(5,3)	A/N	1	237	237
ELECTION TYPE	(5,3)	A/N	1	237	237
VOTE INDICATOR	(5,3)	A/N	1	237	237

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF PROPOSED AMENDMENTS

C) Reporting, Bookkeeping or other Procedures required for compliance:
None

D) Types of Professional Skills Necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1996

The full text of the proposed amendment begins on the next page:

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF PROPOSED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER I: DEPARTMENT OF FINANCIAL INSTITUTIONS

PART 130

SCHEDULES OF MAXIMUM RATES TO BE CHARGED FOR CHECK CASHING
AND WRITING OF MONEY ORDERS BY COMMUNITY AND AMBULATORY
CURRENCY EXCHANGES

Section

130.10 Authority

130.20 Purposes

130.30 Maximum Rate - Check Cashing

130.40 Maximum Rate - Issuance of Money Orders

130.50 Disclosure Requirements - Check Cashing and Money Orders

130.60 Effective Date

AUTHORITY: Implementing Sections 19.3 and 19.4 and authorized by Section 19 of the Currency Exchange Act [205 ILCS 405].

SOURCE: Adopted at 2 Ill. Reg. 5, p. 1, effective January 27, 1978; amended at 4 Ill. Reg. 51, p. 104, effective January 1, 1981; emergency amendment at 5 Ill. Reg. 265, effective December 19, 1980, for a maximum of 150 days; codified at 7 Ill. Reg. 11721; amended at 9 Ill. Reg. 1375, effective January 17, 1985; amended at 10 Ill. Reg. 11892, effective July 1, 1986; amended at 20 Ill. Reg. _____, effective _____.

Section 130.30 Maximum Rate - Check Cashing

a) The Maximum Rate. The maximum rate to be charged by community and ambulatory currency exchanges for cashing any check shall not exceed the following: ~~an amount equal to 1-2% of the face amount of the check plus a service charge of ninety cents (\$-.90);~~

1) For all checks \$500 or less, an amount equal to 1.4% of the face amount of the check plus a service charge of ninety cents (\$.90);
2) For all checks \$500.01 or greater, an amount equal to 1.85% of the face amount of the check.

b) Prohibition. No community or ambulatory currency exchange may charge a fee for cashing any check in excess of the maximum rate as set forth in (a) above.

(Source: Amended at 20 Ill. Reg. _____, effective _____.)

Section 130.60 Effective Date

The Schedules of Maximum Rates to be Charged for Check Cashing and Writing Money Orders by Community and Ambulatory Currency Exchanges will be effective as of January 1, 1997 ~~January 17, 1991~~.

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Numbers: Proposed Action:
130.1501 Amendment
- 4) Statutory Authority: 20 ILCS 2505/39b19
- 5) A Complete Description of the Subjects and Issues Involved: In response to Public Act 89-359, this rulemaking amends 86 Ill. Adm. Code 130.1501 to provide that beginning August 17, 1995, a retailer of new motor vehicles may file a claim for credit when a new vehicle that was sold by that retailer has been returned to the manufacturer and the manufacturer has refunded to the customer all or part of the purchase price of that vehicle as provided in Section 3 of the New Vehicle Buyer Production Act [815 ILCS 380]. This rulemaking clarifies that the amount of the claim for credit is to be based on the amount of the purchase price that was refunded to the customer.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>IL Register Citation</u>
130.310	Amendment	03/29/96, 20 Ill. Reg. 5047
130.501	Amendment	12/15/95, 19 Ill. Reg. 16483
130.502	Amendment	12/15/95, 19 Ill. Reg. 16483
130.510	Amendment	12/15/95, 19 Ill. Reg. 16483
130.535	Amendment	12/15/95, 19 Ill. Reg. 16483
130.540	Amendment	12/15/95, 19 Ill. Reg. 16483
130.1952	New Section	04/12/96, 20 Ill. Reg. 5470

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State Mandate, nor does it modify any existing State Mandates.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Terry D. Charlton

DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENTS

Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6996

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities, and not for profit corporations affected: Retailers of motor vehicles.
- B) Reporting, bookkeeping or other procedures required for compliance: Minimal.
- C) Types of professional skills necessary for compliance: None.

13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Amendment(s) begins on the next page:

DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE
PART 130
RETAILERS' OCCUPATION TAX
SUBPART A: NATURE OF TAX

Section
130.101
130.105
130.110
130.111
130.115
130.120

Character and Rate of Tax
Responsibility of Trustees, Receivers, Executors or Administrators
Occasional Sales
Sale of Used Motor Vehicles by Leasing or Rental Business
Habitual Sales
Nontaxable Transactions

SUBPART B: SALE AT RETAIL

Section
130.201
130.205
130.210
130.215
130.220

The Test of a Sale at Retail
Sales for Transfer Incident to Service
Sales of Tangible Personal Property to Purchasers for Resale
Further Illustrations
Sales to Lessors of Tangible Personal Property

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section
130.305
130.310
130.315
130.320
130.321
130.325
130.330
130.335
130.340
130.345
130.350

Farm Machinery and Equipment
Food, Drugs, Medicines and Medical Appliances
Fuel Sold for Use in Vessels on Rivers Bordering Illinois
Gasohol
Fuel Used by Air Common Carriers in International Flights
Graphic Arts Machinery and Equipment Exemption
Manufacturing Machinery and Equipment
Pollution Control Facilities
Rolling Stock
Oil Field Exploration, Drilling and Production Equipment
Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment

SUBPART D: GROSS RECEIPTS

Section
130.401
130.405
130.410

Meaning of Gross Receipts
How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser
Cost of Doing Business Not Deductible

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

130.415 Transportation and Delivery Charges
 130.420 Finance or Interest Charges--Penalties--Discounts
 130.425 Traded-In Property
 130.430 Deposit or Prepayment on Purchase Price
 130.435 State and Local Taxes Other Than Retailers' Occupation Tax
 130.440 Penalties
 130.445 Federal Taxes
 130.450 Installation, Alteration and Special Service Charges
 130.455 Motor Vehicle Leasing and Trade-In Allowances

SUBPART E: RETURNS

Section
 130.501 Monthly Tax Returns--When Due--Contents
 130.502 Quarterly Tax Returns
 130.505 Returns and How to Prepare
 130.510 Annual Tax Returns
 130.515 First Return
 130.520 Final Returns When Business is Discontinued
 130.525 Who May Sign Returns
 130.530 Returns Covering More Than One Location Under Same Registration--Separate Returns for Separately Registered Locations
 130.535 Payment of the Tax, Including Quarterly Monthly Payments in Certain Instances
 130.540 Returns on a Transaction by Transaction Basis
 130.545 Registrants Must File a Return for Every Return Period
 130.550 Filing of Returns for Retailers by Suppliers Under Certain Circumstances
 130.551 Prepayment of Retailers' Occupation Tax on Motor Fuel
 130.555 Vending Machine Information Returns
 130.560 Verification of Returns

SUBPART F: INTERSTATE COMMERCE

Section
 130.601 Preliminary Comments
 130.605 Sales of Property Originating in Illinois
 130.610 Sales of Property Originating in Other States

SUBPART G: CERTIFICATE OF REGISTRATION

Section
 130.701 General Information on Obtaining a Certificate of Registration
 130.705 Procedure in Disputed Cases Involving Financial Responsibility Requirements
 130.710 Procedure When Security Must be Forfeited
 130.715 Sub-Certificates of Registration
 130.720 Separate Registrations for Different Places of Business of Same

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

130.725 Taxpayer Under Some Circumstances
 130.730 Display
 130.735 Replacement of Certificate
 130.740 Certificate Not Transferable
 130.745 Certificate Required For Mobile Vending Units
 130.745 Revocation of Certificate

SUBPART H: BOOKS AND RECORDS

Section
 130.801 General Requirements
 130.805 What Records Constitute Minimum Requirement
 130.810 Records Required to Support Deductions
 130.815 Preservation and Retention of Records
 130.820 Preservation of Books During Pendancy of Assessment Proceedings
 130.825 Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

SUBPART I: PENALTIES AND INTEREST

Section
 130.901 Civil Penalties
 130.905 Interest
 130.910 Criminal Penalties

SUBPART J: BINDING OPINIONS

Section
 130.1001 When Opinions from the Department are Binding

SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section
 130.1101 Definition of Federal Area
 130.1105 When Deliveries on Federal Areas Are Taxable
 130.1110 No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section
 130.1201 General Information
 130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section
 130.1301 When Lessee of Premises Must File Return for Leased Department

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

130.1305 When Lessor of Premises Should File Return for Leased Department
130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART N: SALES FOR RESALE

Section
130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale
130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale
130.1410 Requirements for Certificates of Resale (Repealed)
130.1415 Resale Number--When Required and How Obtained
130.1420 Blanket Certificate of Resale (Repealed)

SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section
130.1501 Claims for Credit--Limitations--Procedure
130.1505 Disposition of Credit Memoranda by Holders Thereof
130.1510 Refunds
130.1515 Interest

SUBPART P: PROCEDURE TO BE FOLLOWED UPON
SELLING OUT OR DISCONTINUING BUSINESS

Section
130.1601 When Returns are Required After a Business is Discontinued
130.1605 When Returns are Not Required After Discontinuation of a Business
130.1610 Cross Reference to Bulk Sales Regulation

SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section
130.1701 Bulk Sales: Notices of Sales of Business Assets

SUBPART R: POWER OF ATTORNEY

Section
130.1801 When Powers of Attorney May be Given
130.1805 Filing of Power of Attorney With Department
130.1810 Filing of Papers by Agent Under Power of Attorney

SUBPART S: SPECIFIC APPLICATIONS

Section
130.1901 Addition Agents to Plating Baths
130.1905 Agricultural Producers
130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

130.1915 Stamps and Like Articles
130.1920 Auctioneers and Agents
130.1925 Barbers and Beauty Shop Operators
130.1930 Blacksmiths
130.1935 Chiropodists, Osteopaths and Chiropractors
130.1940 Computer Software
130.1945 Construction Contractors and Real Estate Developers
130.1950 Co-operative Associations
130.1951 Dentists
130.1955 Enterprise Zones
130.1955 Farm Chemicals
130.1960 Finance Companies and Other Lending Agencies - Installment Contracts
130.1965 - Repossessions
130.1965 Florists and Nurserymen
130.1970 Hatcheries
130.1975 Operators of Games of Chance and Their Suppliers
130.1980 Optometrists and Opticians
130.1985 Pawnbrokers
130.1990 Peddlers, Hawkers and Itinerant Vendors
130.1995 Personalizing Tangible Personal Property
130.2000 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers
130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons
130.2006 Sales by Teacher-Sponsored Student Organizations
130.2007 Exemption Identification Numbers
130.2008 Sales by Nonprofit Service Enterprises
130.2010 Persons Who Rent or Lease the Use of Tangible Personal Property to Others
130.2015 Persons Who Repair or Otherwise Service Tangible Personal Property
130.2020 Physicians and Surgeons
130.2025 Picture-Framers
130.2030 Public Amusement Places
130.2035 Registered Pharmacists and Druggists
130.2040 Retailers of Clothing
130.2045 Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like
130.2050 Sales and Gifts By Employers to Employees
130.2055 Sales by Governmental Bodies
130.2060 Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
130.2065 Sales of Automobiles for Use in Demonstration
130.2070 Sales of Containers, Wrapping and Packing Materials and Related Products
130.2075 Sales To Construction Contractors, Real Estate Developers and Speculative Builders
130.2080 Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel
130.2085 Sales to or by Banks, Savings and Loan Associations and Credit

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Unions
 130.2090 Sales to Railroad Companies
 130.2095 Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
 130.2100 Sellers of Feeds and Breeding Livestock
 130.2105 Sellers of Newspapers, Magazines, Books, Sheet Music and Phonograph Records and Their Suppliers
 130.2110 Sellers of Seeds and Fertilizer
 130.2115 Sellers of Machinery, Tools and the Like
 130.2120 Suppliers of Persons Engaged in Service Occupations and Professions
 130.2125 Trading Stamps and Discount Coupons
 130.2130 Undertakers and Funeral Directors
 130.2135 Vending Machines
 130.2140 Vendors of Curtains, Slip Covers, Floor Covering and Other Similar Items Made to Order
 130.2145 Vendors of Meals
 130.2150 Vendors of Memorial Stones and Monuments
 130.2155 Vendors of Signs
 130.2156 Vendors of Steam
 130.2160 Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
 130.2165 Veterinarians
 130.2170 Warehousemen
 ILLUSTRATION A: Examples of Tax Exemption Cards

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 39b3 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b3].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767,

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 23, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. _____, effective _____.

SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section 130.1501 Claims for Credit--Limitations--Procedure

a) Limitations Upon Claims

- 1) Where a taxpayer under the Retailers' Occupation Tax Act pays to the Department an amount of tax or penalty or interest not due under the provisions of the Act, either as the result of a mistake of fact or an error of law, such taxpayer may file a claim for credit with the Department. Beginning August 17, 1995, tax is deemed to be erroneously paid by a retailer when the manufacturer of a motor vehicle sold by the retailer accepts the return of that automobile and refunds to the purchaser the purchase price of the vehicle, as provided in Section 3 of the New Vehicle Buyer Protection Act [815 ILCS 380/3]. The claim is limited to taxes applicable to the purchase price of the automobile refunded to the consumer, which includes all collateral charges required to be included in the sales tax calculation (e.g., documentary fees), but does not include any reasonable allowance for consumer use of the automobile deducted from the purchase price by the manufacturer. Retailers filing such claims must comply with all requirements of this Section.
- 2) The Department cannot approve any claim for credit unless the proof submitted in support thereof clearly establishes that the

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

claimant has borne the burden of the tax erroneously paid or that he has unconditionally repaid the amount of the tax to his vendee from whom he has collected such amount. In the latter event, the claimant must also prove that his vendee has borne the burden of such amount or has unconditionally repaid persons to whom such vendee has shifted the burden of such amount (see Section 6 of the Retailers' Occupation Tax Act).

3) In addition, if the Retailers' Occupation Tax was paid on receipts from a sale made on or after August 1, 1955, no credit shall be allowed for any such amount paid by or collected from any claimant unless it shall appear that the claimant has unconditionally repaid, to the purchaser, any amount collected from the purchaser and retained by the claimant with respect to the same transaction under the Use Tax Act.

4) The Department cannot approve any claim for credit to the extent that the amount claimed is an amount which has been paid (voluntarily or involuntarily) in total or partial liquidation of an assessment which had become final before the claim for credit to recover the amount so paid is filed with the Department, or if paid in total or partial liquidation of a judgment, order or decree of court. Also, all claims for credit are subject to the statute of limitations, as follows:

Provided that as to any claim for credit filed with the Department on and after each January 1 and July 1 no amount of tax or penalty or interest erroneously paid (either in total or partial liquidation of a tax or penalty or amount of interest under this Act) more than 3 years prior to such January 1 and July 1, respectively, shall be credited; . . . except that if both the Department and the taxpayer have agreed to an extension of time to issue a notice of tax liability as provided in Section 4 of this Act, such claim may be filed at any time prior to the expiration of the period agreed upon. (Section 6 of the Act)

b) Filing of Claims

1) Claims for credit shall be prepared and filed upon forms provided by the Department. Each claim shall state:

- A) the name and principal business address of the claimant;
- B) the period covered by the claim;
- C) the total amount of credit claimed, giving in detail the net amount of taxable receipts reported each month or other return period used by the claimant as the basis for filing returns in the period covered by the claim;
- D) the total amount of tax paid for each return period;
- E) receipts upon which tax liability is admitted for each return period;
- F) the amount of receipts on which credit is claimed for each return period;
- G) the tax due for each return period as corrected;

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

H) the amount of credit claimed for each return period;

I) reason or reasons why the amount, for which the claim is filed, is alleged to have been paid in error;

J) a list of the evidence (documentary or otherwise) which the claimant has available to establish his compliance with Section 6 as to bearing the burden of the tax for which he seeks credit;

K) payments or parts thereof (if any) included in the claim and paid by the claimant under protest;

L) sufficient information to identify any suit which involves the Act, and to which the claimant is a party; and

M) such other information as the Department may reasonably require.

2) Where the claimant is a corporation, the claim filed on behalf of such corporation shall be signed by the president, vice-president, secretary or treasurer or by the properly accredited agent of such corporation.

3) A claim for credit shall be considered to have been filed with the Department on the date upon which it is received by the Department. See Sections 130.1201 and 130.1205 of this Part for further information regarding when claims are deemed to be "received" by the Department.

4) Upon receipt of any claim for credit filed under the Act, any officer or employee of the Department, authorized in writing by the Director of Revenue to acknowledge receipt of such claims on behalf of the Department, shall execute on behalf of the Department, and shall deliver or mail to the claimant or his duly authorized agent, a written receipt, acknowledging that the claim has been filed with the Department, describing the claim in sufficient detail to identify it and stating the date upon which the claim was received by the Department.

5) Such written receipt shall be prima facie evidence that the Department received the claim described in such receipt and shall be prima facie evidence of the date when such claim was received by the Department.

6) In the absence of such a written receipt, the records of the Department as to when the claim was received by the Department, or as to whether or not the claim was received at all by the Department, shall be deemed to be prima facie correct upon these questions in the event of any dispute between the claimant (or his legal representative) and the Department concerning these questions. (See Section 6a of the Act.)

c) Procedure After Filing of Claims

1) The Department will examine each claim for credit as soon as practicable after such claim is filed and will notify the claimant (or his legal representative, if the claim is filed by such legal representative, or if the claimant has died or become incompetent and such legal representative has notified the

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Department of his appointment and qualification as such legal representative, or if the Department, on its own motion, has substituted such legal representative in the proceeding for the deceased or incompetent claimant) of its Tentative Determination of the amount of credit, if any, to which the claimant or his legal representative is entitled.

- 2) If such claimant, or the legal representative of a deceased or incompetent taxpayer, shall, within 20 days after the Department's Notice of Tentative Determination of Claim, file a protest thereto and request a hearing thereon, the Department shall give notice to such claimant, or to the legal representative of a deceased or incompetent taxpayer, of the time and place fixed for such hearing, and shall hold a hearing in conformity with the provisions of the Act, and pursuant thereto shall issue its Final Determination of the amount of credit, if any, found to be due as a result of such hearing, to such claimant, or to the legal representative of a deceased or incompetent taxpayer.

- 3) If a protest to the Department's Notice of Tentative Determination of Claim is not filed within 60 days and a request for a hearing thereon is not made as hereinabove provided, the said Notice shall thereupon become and operate as a Final Determination. (See Sections 6b and 6c of the Act.)

d) Use of Credit Memoranda to Satisfy Prior Rights of Department

- 1) If, following the above procedure, a credit is found to be due, as evidence thereof a credit memorandum for such amount shall be issued in the name of the claimant.
- 2) If there is an established unpaid assessment or an admitted unpaid liability, or unpaid penalty, or unpaid amount of interest, against the claimant either under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Occupation Tax Act, the Service Use Tax Act, the Home Rule Municipal Retailers' Occupation Tax Act [65 ILCS 5/8-11-1] ~~§§11-Rev-Stat-1999-ch-247-par-8-11-4~~, Non-Home Rule Municipal Retailers' Occupation Tax Act [65 ILCS 5/8-11-1.3] ~~§§11-Rev-Stat-1999-ch-120-par-8-11-4~~, the Home Rule Municipal Service Occupation Tax Act [65 ILCS 5/8-11-5] ~~§§11-Rev-Stat-1999-ch-247-par-8-11-5~~, Non-Home Rule Municipal Service Occupation Tax Act [65 ILCS 5/8-11-1.4] ~~§§11-Rev-Stat-1999-ch-120-par-8-11-4~~, the Home Rule County Retailers' Occupation Tax Act [55 ILCS 5/5-1006] ~~§§11-Rev-Stat-1999-ch-347-par-5-1007~~, the Home Rule County Service Occupation Tax Act [55 ILCS 5/5-1007] ~~§§11-Rev-Stat-1999-ch-347-par-5-1007~~, Section 4 of the Water Commission Act of 1985 [70 ILCS 3720/4] ~~§§11-Rev-Stat-1999-ch-2547, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act [70 ILCS 3610/5.01] §§11-Rev-Stat-1999-ch-347-par-355-017, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation~~

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Authority Act [70 ILCS 3615/4.03] ~~§§11-Rev-Stat-1999-ch-247-par-347-037~~, the amount of the credit shall be credited against the tax or penalty or interest due or to become due under the Retailers' Occupation Tax Act, or under the Use Tax Act, the Service Occupation Tax Act, the Service Use Tax Act, the Home Rule Municipal Retailers' Occupation Tax Act, the Non-Home Rule Municipal Retailers' Occupation Tax Act, the Home Rule County Retailers' Occupation Tax Act, the Home Rule County Retailers' Occupation Tax Act, Section 4 of the Water Commission Act of 1985, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act, from the person who made the erroneous payment.

- 3) If the credit is in an amount less than that of the unpaid liability, it shall be applied pro tanto.
- 4) If the amount of the credit exceeds that of the unpaid liability, after crediting an amount sufficient to liquidate or cancel out such unpaid liability, a new credit memorandum shall be issued for an amount representing the difference between that of the original credit found to be due and that of the liability liquidated or paid as aforesaid, and such new credit memorandum shall be delivered to the person entitled to receive delivery thereof, provided that no proceeding is pending against the claimant to establish an unpaid liability under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Occupation Tax Act, the Service Use Tax Act, the Home Rule Municipal Retailers' Occupation Tax Act, the Non-Home Rule Municipal Retailers' Occupation Tax Act, the Home Rule Municipal Service Occupation Tax Act, the Home Rule County Retailers' Occupation Tax Act, the Home Rule County Service Occupation Tax Act, Section 4 of the Water Commission Act of 1985, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act.
- 5) If a proceeding to establish such an unpaid liability is pending, the credit memorandum shall be held by the Department until such proceeding is concluded; and if such proceeding results in the issuance of an assessment which becomes final, the credit shall be applied by the Department, to the extent which may be necessary, in liquidation of such assessment, or any interest that may accrue thereon, and the balance of the credit, if any (after cancellation of the credit memorandum applied in liquidation of such liability), shall be issued in the form of a new credit memorandum and delivered to the person entitled to receive delivery thereof.

DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Urban and Community Forestry Grant
- 2) Code Citation: 17 Ill. Adm. Code 1538
- 3) Section Numbers: Adopted Action:
1538.5 Amendments
1538.10 Amendments
1538.20 Amendments
1538.30 Amendments
1538.40 Amendments
1538.50 Amendments
1538.60 Amendments
1538.70 Amendments
1538.80 Amendments
- 4) Statutory Authority: Implementing and authorized by the Urban and Community Forestry Assistance Act[30 ILCS 735].
- 5) Effective Date of Rulemaking: April 4, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 4, 1996
- 9) Notice of Proposal Published in Illinois Register: January 1, 1996, 20 Ill. Reg. 973
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: The Statutory Authority was changed to read: Implementing and authorized by the Urban and Community Forestry Assistance Act [30 ILCS 735].
In Section 1538.5, the comma following "government" was removed.
In Section 1538.10 the following definition was added:
"Act" means the Urban and Community Forestry Assistance Act [30 ILCS 735].
In Section 1538.10, in the definition for "Budgeted" - "municipality" was changed to "unit of local government". This change was also made in the definition for "Comprehensive".
In Section 1538.10, "Urban and Community" Forestry Project Proposal" - "this Act" was changed to "the Act".

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

In Section 1538.20(c), "Local Government" was changed to lower-case, a comma was added following "effect" and "city's" was changed to "unit of local government's".

In Section 1538.40(b), "Local Government" was changed to lower-case.

In Section 1538.40(a), the "of" in the first sentence should not have been deleted.

In Section 1538.40(b), "local" was added added following "Units of".

In Section 1538.40(c), the "s" in "Projects" was stricken.

In Section 1538.40(a)(1), "to be" was added prior to "served".

In Section 1538.40(a)(3), a comma was added following "Objectives" and the comma following "as" was deleted.

In Section 1538.60, "Assistance" was placed in lower-case.

In Section 1538.70, the "s" in "Projects" was removed.

In Section 1538.70(b)(1), "municipalities" was changed to "local governments".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: These amendments include changes to eligibility definitions of a project and plan and clarification of the general procedures and requirements.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Jack Price
Address: Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
Telephone: 217/782-1809

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES CONSERVATION
SUBCHAPTER d: FORESTRY

PART 1538
URBAN AND COMMUNITY FORESTRY GRANT PROGRAM

Section	Purpose
1538.5	Definitions
1538.10	Eligibility
1538.20	General Information
1538.30	General Procedures
1538.40	Urban and Community Forestry Project Approval
1538.50	Eligible Urban and Community Forestry Projects
1538.60	Evaluation Priorities
1538.70	Program Information
1538.80	

AUTHORITY: Implementing and authorized by the Urban and Community Forestry Assistance Act [30 ILCS 735].

SOURCE: Adopted at 16 Ill. Reg. 11108, effective June 30, 1992; amended at 20 Ill. Reg. 5788, effective APR 4 1996.

Section 1538.5 Purpose

The purpose of the Urban and Community Forestry Grant Program is to provide financial assistance to local units of government for the development of plans and implementation of programs for the establishment, management, conservation, and preservation of the urban and community forest municipalities-for-the-implementation-of-Urban-Forestry-Plans.

(Source: Amended at 20 Ill. Reg. 5788, effective APR 4 1996)

Section 1538.10 Definitions

"Act" means the Urban and Community Forestry Assistance Act [30 ILCS 735].

"Applicant" means a unit of local government. An Illinois chartered not-for-profit corporation as defined in the General Not-For-Profit Corporation Act of 1986 can be a co-applicant with a unit of local government.

"Budgeted" means the unit of local government has, through legal means, authorized the expenditure of dollars within the appropriate department for forestry activities described in the Urban and

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

Community Forestry Management Plan and the Urban and Community Forestry Project Proposal.

a) "Comprehensive Urban and Community Forestry Management Plan Document" means a written comprehensive document used as a guide for urban and community forestry management decisions. It contains information on history, policy, budget, inventory analysis of the forest ecosystem resources and management prescriptions, and describes describing how a unit of local government municipality will protect, enhance, conserve, maintain and expand the urban and community forestry resource. This plan links together all aspects of a local government's municipality's Urban Forestry Projects into a comprehensive document.

"Department" means the Illinois Department of Natural Resources.

b) "Equipment" means tangible items of a non-consumable nature exceeding \$100.

c) "Urban and Community Forestry Project Proposal" means Plan "7-Action Plan-or-project-means a written document proposing plan--documenting proposed action to be implemented to complete a specific project approved by the Department pursuant to the this Act.

d) "Budgeted" means the municipality has through legal means authorized the expenditure of dollars within the appropriate department for forestry activities described in the Comprehensive Urban Forestry Management Document and more specifically the Urban Forestry Plan.

(Source: Amended at 20 Ill. Reg. 5788, effective APR 4 1996)

Section 1538.20 Eligibility

a) Participation in the Urban and Community Forestry Grant Program is available to local units of government. An Illinois chartered not-for-profit corporation as defined in the General Not-For-Profit Corporation Act of 1986 can be co-applicant with a local government limited to cities, villages or incorporated towns with more than 275 inhabitants.

b) An A-municipality's Urban and Community Forestry Project Proposal Plan must be reviewed and approved by the Department of Conservation before a grant will be awarded.

c) Units of local government municipalities must have, or during the course of this grant shall develop and put into effect, an urban and community forestry ordinance or resolution addressing their commitment. The purpose of the ordinance is to define the unit of local government's city's responsibility regarding public trees and other vegetation and to provide a legal basis for appropriating funds

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

for urban and community forestry programs.

(Source: Amended at 20 Ill. Reg. 5788, effective APR 4 1996)

Section 1538.30 General Information

a) Grants are awarded for implementing Department approved Urban and Community Forestry Project Proposals Plans. The municipality's application for a grant is evaluated based on the priorities defined in Section 1538.70.

b) Units of local government municipalities may apply jointly (or as a co-applicant with a chartered not-for-profit corporation as defined in the General Not-For-Profit Corporation Act of 1986) for approval of Urban and Community Forestry Project Proposals through the Urban and Community Forestry Grant Program. Contracts will be awarded to the unit of local government Plans-and-grants.

c) The total number of grants awarded each calendar year is dependent on the size of the grants and the total amount of funds available for the program in the given fiscal year (July 1 - June 30).

d) A single grant to a unit of local government shall not exceed 5% of the amount allocated for the grant program by the Department in the current fiscal year. However, a cap at no more than 20% of the amount allocated for the grant program by the Department can be used for multi-community projects. Regardless of project size, one individual community can receive no more than 5% of the amount allocated for the grant program. Urban Forestry Plans will be considered for funding by the Department of Conservation for two years. After two years the municipality must reapply for approval.

e) Grants will not be awarded for the purchasing of equipment.

f) Grant money is limited to Urban and Community Forestry Project Proposals Plans for which the applicant municipality will provide at least 50% of the cost. The unit of local government's the municipality's share of the project cost must be budgeted at the time of application. The municipality's share of the cost may be made by contribution of in-kind service. The unit of local government municipality should set forth, in the application, in detail how such contribution will be made and document in-kind contribution. No federal funds may be used as the match for the project.

g) A grant to any one municipality shall not exceed \$100,000 per year. Multi-community grants are encouraged. However, a cap of \$50,000 per multi-community project has been established. The \$50,000 local match means a maximum of \$100,000 per project. Regardless of project size, one individual community can receive no more than \$100,000.

g)h) The Urban and Community Forestry Grant Program operates on a reimbursement basis only. Reimbursement is provided upon completion of the project approved in the Urban and Community Forestry Grant

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Contract Project and filing proper expenditure documents on forms provided by the Department.

h) All project costs incurred before the unit of local government municipality receives notice that they will receive a grant are not eligible for reimbursement.

i) Only one application for an Urban and Community Forestry Grant can be submitted from any one unit of local government municipality per annual grant period year.

j) Grants should not be used to substitute for existing urban forestry budgets, but used for new projects or programs.

k) All records, receipts, expenditures, and program activities of a grant recipient are Documentation of expenditures by a municipality shall be subject to audit by the Department.

(Source: Amended at 20 Ill. Reg. 5788, effective APR 4 1986)

Section 1538.40 General Procedures

a) Necessary application forms are available from the Department of Natural Resources Conservation, Division of Forest Resources, 600 North Grand Avenue West, Post Office Box 19225, Springfield, IL 62794-9225. Urban and Community Forestry grant applications shall consist of the following basic requirements:

- 1) A completed application form with a complete narration of the proposed project.
- 2) A copy of the unit of local government's municipality's urban and community forestry ordinance, or equivalent.
- 3) A map of the municipality showing the location of the proposed project, if applicable.
- 4) A copy of the unit of local government's municipality's Department or Tree Board approved Urban and Community Forestry Management Plan.
- 5) A document showing how the unit of local government municipality has budgeted for the Urban and Community Forestry Project Proposal Plan.
- 6) Other supportive documentation.

b) Applications for grant assistance must be received on or before the date posted by the Department. Applicants Municipalities will be notified as to the qualification or non-qualification of their application within 90 90 days after its receipt. Units of local government Municipalities whose applications meet the qualifications specified in the Urban and Community Forestry Assistance Act and this Part will be ranked according to the priorities in Section 1538.70. When grant funds are available, funds will be obligated to qualified units of local government communities based on their geographic location and ranking. rank-Municipalities may apply for grants within dates as publicly announced for unobligated funds. These applications

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

will be evaluated for qualification in the same way as previous applications. However, the grants will be awarded on a first-come first-served basis.

c) Approved projects as specified in the Urban and Community Forestry Project Proposals must be implemented and completed by a date mutually agreed upon by the Department and the local government municipality.

d) During the implementation of an Urban and Community Forestry Project Proposal, if it is necessary to make changes in scope, plans and/or specifications, the unit of local government municipality shall obtain the Department's approval prior to any change. Changes shall be made a part of the project file and kept available for audit.

e) After a completed Urban and Community Forestry Project has been accepted by the Department and all subcontractors and bills have been paid, the unit of local government will prepare and submit a billing request to the Department for reimbursement of up to 50% of the actual approved project costs. Approved project costs are based on those that were budgeted for in the grant recipient's budget and included in the Department approved Urban and Community Forestry Project Proposal. f) The Department may make on-site inspections, as deemed necessary in relation to the scope of the Urban and Community Forestry Grant Project, to check progress and compliance with all applicable laws and specifications.

g) When applicable, the Department will contact it is the responsibility of the grant recipient municipality to contact the Department to arrange the final on-site inspection prior to distribution of grant funds. This contact will be made after the grant recipient submits the required forms for reimbursement.

9) After a completed Urban and Community Forestry Project has been accepted by the Department and all subcontractors and bills have been paid, the local agency prepares and submits a billing request to the Department for reimbursement of up to 50% of the approved project costs. Approved project costs are those that were budgeted for in the municipality's budget and included in the Department approved Urban Forestry Plan.

h) Grant recipients Municipalities that do not meet the objectives or provide adequate documentation will not receive reimbursement grant funds.

(Source: Amended at 20 Ill. Reg. 5788, effective APR 4 1986)

Section 1538.50 Urban and Community Forestry Project Approval

a) A unit of local government municipality or its representative may develop an Urban and Community Forestry Project Proposal and submit it to the Department of Natural Resources Conservation, Division of Forest Resources along with the application for approval. The Urban

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

and Community Forestry Project Proposal shall include:

- 1) Information about ~~the community such as its~~ previous urban and community forestry programs and the importance of urban forestry to the community to be served by the unit of local government.
- 2) A narrative relating the importance of urban and community forest to ~~forestry in~~ the community to be served by the unit of local government and to the objectives of the Urban Forestry Project Proposal.
- 3) A list of tangible objectives, such as: species and location number of trees to be planted, number of people to be trained and type of training, documents to be developed, etc.
- 4) A narrative describing the proposed projects and actions.
- 5) A narrative explaining how the proposed projects and actions will meet the objectives of the community served by the unit of local government.
- 6) A statement describing how the project will develop or promote a local community urban and community forestry program on a long-term basis.
- 7) An itemized budget for the proposed project.

b) Any unit of local government ~~municipality~~ whose project is not approved may appeal to the Regional Review Committee pursuant to 17 Ill. Adm. Code 2530. The Regional Review Committee is composed of the Regional Administrator, a District Forester from another district in the Region and the Urban Conservation Program Manager. The appeal must be made within 30 days from the date that the plan or practice was not approved.

(Source: Amended at 20 Ill. Reg. 5788, effective APR 4 1996)

Section 1538.60 Eligible Urban and Community Forestry Projects

Grant assistance Assistance may be obtained for, but not limited to, the following, which are not necessarily items listed in priority order:

- a) The hiring of urban forestry personnel, consultants, interns or tree care companies to complete a Department- ~~of Conservation~~ approved Urban and Community Forestry Project Proposal.
- b) The development of a comprehensive Urban and Community Forestry Management Plan Document.
- c) The establishment of a tree board ~~and street tree ordinance~~.
- d) The collection and organization of data, such as site, location and condition of trees along city streets or in parks. (Street Tree Inventory)
- e) The training of unit of local government ~~municipal~~ employees in tree care practices such as pruning, fertilizing, cabling and bracing.
- f) Urban and community forestry educational and appreciation programs for the general public.
- g) The removal of hazardous, nuisance and dead trees from public

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

property.

- h) Tree planting demonstration on public owned or controlled property.
- i) The development of a plan for control ~~control~~ of tree insects and disease agents.
- j) The establishment or development of a tree ordinance.
- 1) The ordinance must indicate the need for the urban and community forestry program. For instance, the health, safety and welfare of the community's residents and the economic development ~~beauty~~ of the community are two examples indicating need.
- 2) The ordinance must establish the division, department, board or other authority that will have the legal responsibility for the local Urban and Community Forestry Program including the implementation of the ~~of implementing~~ Urban and Community Forestry Project Proposal Plans. The ordinance must specify the duties and responsibilities of the authority. If the authority is a board or commission, the ordinance must specify the number and qualifications of the members and their term of office.
- 3) The ordinance must state that one of the responsibilities of the authority is to develop written standards for tree planting and maintenance pursuant to the National Arborist Association's ANSI A300 Standard for Tree Maintenance ~~Printing Standards for Shade trees~~, available from the National Arborist Association, Post Office Box 1094, Amherst NH 03031-1094, telephone 1-800-733-2622.
- 4) The ordinance must define who has the authority to plant and maintain trees on public property.
- 5) The ordinance should contain a provision for the removal of hazardous or diseased trees from private property.

(Source: Amended at 20 Ill. Reg. 5788, effective APR 4 1996)

Section 1538.70 Evaluation Priorities

- a) Awarding of urban and community forestry grants will be determined by a competitive application process. The following criteria will be used to evaluate and select projects from qualified Urban and Community Forestry Project Proposals ~~Projects~~ for grant funding. NO special priority is given to any of the following items.

- 1) The need for the development of a Comprehensive ~~comprehensive~~ Urban and Community Forestry Management Plan Document as indicated by documented public support.
- 2) The need for the project outlined in the proposed Urban and Community Forestry Project Proposal as documented by a Comprehensive ~~comprehensive~~ Urban and Community Forestry Management Plan Document ~~---a comprehensive plan or other long-range planning document~~.
- 3) The need for the Urban and Community Forestry Project Proposal as

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

indicated by public support. Public support must be documented by evidence of citizen participation in urban and community forestry programs, especially participation in ~~the project~~ proposed in the Urban and Community Forestry Project Proposal Plan or copies of residents' requests for urban forestry assistance.

4) The commitment of individuals, businesses and other local organizations to the Urban and Community Forestry Project Proposal Plan, as demonstrated by attendance at local participation meetings, volunteer service, funds raised or other in-kind contributions (based on population).

5) The need for assistance based upon the receipt of grant funds from the Department of ~~conservation~~ for implementing Urban and Community Forestry Projects ~~plans~~ within the past five fiscal years.

6) The facilitation of improvements to the quality of the environment if forests and green space areas within the applicant's jurisdiction through the improved management and preservation of the urban/community forest resources for the common good, health, welfare and safety of the citizens of this State.

7) Increase public awareness.

8) Increase participation of local citizenry and volunteers.

9) Establishment and commitment to the management and improvement of the forest resources of the community.

b) Special consideration will be given to those Urban and Community Forestry Project Proposals ~~projects~~ that address:

1) Joint ~~are--joint~~ efforts between two or more local governments

2) Reduction ~~effectively show--a significant--reduction~~ in energy consumption.

3) Utilization of ~~utilize~~ waste wood materials, i.e., logs, brush, wood chips, etc.

4) Full ~~increase--the opportunities for--full~~ or part time employment opportunities ~~jobs~~ in urban and community forestry and related activities ~~fields~~.

5) The development of a new urban and community forestry program as defined by ~~have not been~~ an active part of the local government's ~~municipality's~~ programs within the past five years.

6) The community's ~~contribute--to--community~~ development, appreciation, and continued awareness of the importance of the urban and community natural resource.

7) The establishment of ~~establish~~ tree boards for facilitating and improving the management of urban and community forest resources.

(Source: Amended ~~4 1986~~ 20 Ill. Reg. 5788, effective APR 4 1986)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Section 1538.80 Program Information

Information regarding the Urban and Community Forestry Grant Program may be obtained by writing to:

Illinois Department of Natural Resources Conservation

Division of Forest Resources

600 North Grand Avenue West, P.O. Box 19225

Springfield, Illinois 62794-9225

PHONE: 217/782-2361

(Source: Amended at 20 Ill. Reg. 5788, effective APR 4 1986)

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED RULES

1. Heading of the Part: Consumer Installment Loan Act
2. Code Citation: 38 Ill. Adm. Code 110
3. Section Number: Adopted Action:
110.190 Amendment
4. Statutory Authority: 205 ILCS 670/22
5. Effective Date of rulemaking: April 8, 1996
6. Does this rulemaking contain an automatic repeal date? No
7. Does this rulemaking contain incorporations by reference? No
8. Date Filed in Agency's Principal Office: December 8, 1995
9. Notice(s) of Proposal Published in Illinois Register:
December 15, 1995, 19 Ill. Reg. 16410
10. Has JCAR issued a Statement of Objections to these rules? No
11. Difference(s) between proposal and final version: None
12. Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
13. Will this rulemaking replace an emergency rule currently in effect? No
14. Are there any amendments pending on this Part? No
15. Summary and Purpose of Rulemaking: To delete language restricting licensees from offering inducements to encourage people to become borrowers.
16. Information and questions regarding this adopted rulemaking shall be directed to:

Name: M. Rose Kelly
Address: 100 W. Randolph
Chicago, IL 60601
Telephone: 312/814-2008

The full text of the Adopted Rule begins on the next page:

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED RULES

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER I: DEPARTMENT OF FINANCIAL INSTITUTIONS

PART 110

CONSUMER INSTALLMENT LOAN ACT

Section

- 110.1 Definitions
 - 110.10 Minimum Requirements for Office Records
 - 110.20 Loan Register
 - 110.30 Individual Account Records
 - 110.40 File of Original Papers
 - 110.50 Cash Book
 - 110.60 Alphabetical Record of Borrowers, Endorsers, Co-Makers, Obligors or Sureties
 - 110.70 Payments
 - 110.80 Simple Interest Loans
 - 110.90 Cancellation and Return of Documents
 - 110.100 Finance Charges - Rebates and Delinquency Charges
 - 110.110 Hypothecation of Borrower's Notes
 - 110.120 Legal Forms
 - 110.130 Judgments
 - 110.140 Sale of Security
 - 110.150 Trouble File
 - 110.160 Lien Charges
 - 110.170 Insurance
 - 110.180 Office and Office Hours
 - 110.190 Advertising
 - 110.200 Other Business
 - 110.210 Communications and Remittances
 - 110.220 Credit Practices
 - 110.230 General
 - 110.240 Hearing Procedures
- TABLE A
Illinois Rule of 78 Fraction for Rebating Charges According to Number of Months Originally Contracted For and Number of Months Prepaid in Full for Contracts of 2 to 120 Months
- TABLE B
Rule of 78 Percentage Rebate Table

AUTHORITY: Implementing and authorized by Section 22 of the Consumer Installment Loan Act [205 ILCS 670/22].

SOURCE: Filed and effective June 19, 1970; amended at 3 Ill. Reg. 24, p. 16, effective June 15, 1979; emergency amendment at 4 Ill. Reg. 5, p. 372, effective January 16, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 36, p. 138, effective September 22, 1980; amended at 5 Ill. Reg. 1352, effective February 3, 1981; codified at 7 Ill. Reg. 11721; amended at 9 Ill. Reg. 1343, effective January 17, 1985; amended at 11 Ill. Reg. 2749, effective August 28, 1987; emergency amendment at 11 Ill. Reg. 14141, effective August

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED RULES

7, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 10456, effective June 7, 1989; amended at 19 Ill. Reg. 44, effective December 22, 1994; amended at 20 Ill. Reg. 5799, effective APR 8 1996.

Section 110.190 Advertising

- a) Licensees shall not advertise "No co-makers required", "No endorsers required", "Signature only" loans, "Loans made on your plain note" or the like, unless such loans constitute at least 50% of all loans made by the licensee.
- b) Licensees shall not make reference in any form of advertising such as newspapers, circulars, letters, radio, or other media, to "Low rates", or "Lower rates", or "Lowest rates", or "Lowest cost", or to indicate by direct or indirect means through such expression as "Low cost", "Lower cost", or "Easier to repay", or by any device that the charges for a loan are low.
- c) Licensees may advertise "New reduced rates" or "Reduced rates", or similar phrases for not more than sixty days after the effective date of such reduction in rates.
- d) Upon specific request by the Department, licensees shall forward to the Supervisor of the Consumer Credit Division the complete text of all advertising copy whether printed or broadcast for which questions have been raised concerning compliance with Section 18 of the Consumer Installment Loan Act.
- e) A licensee may indicate in advertising and otherwise that its business is "regulated" or "examined" or "supervised" or "licensed" by the State of Illinois. A licensee may not advertise in a false, misleading or deceptive manner or imply or indicate that the rates or charges for loans made are "approved", "set" or "established" by the state government or any enactment. [205 ILCS 670/18]
- f) Should any advertisement by a licensee state the amount of any installment payment, dollar amount of any finance charge or number of installments, or period of repayment, the advertisement shall comply with the provisions of the Consumer Credit Protection Act (15 U.S.C. 1601 et seq.) and the regulations applicable thereto issued by the Federal Reserve Board.
- g) Any statement of the payment schedule for a loan in an advertisement must show the proceeds of the loan exclusive of the finance charge and indicate the number and amount of the monthly installments required to pay the loan contract. The total of the installments must be sufficient to pay the total of the proceeds and finance charge for the loan according to the payment schedule. When a payment schedule is used, it must disclose the Annual Percentage Rate for each amount of loan advertised, using that term.
- h) If the advertisement includes an offer of insurance, the advertisement must disclose the type of insurance offered and whether or not the installments include the cost thereof.
- i) The conduct of business by the licensee at locations other than that

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED RULES

named in the license is prohibited by 205 ILCS 670/7. It is Rev. Stat. 1985, ch. 117, par. 5497 and therefore advertising to that effect would be misleading and not in compliance with Section 18 of the Act. No licensee shall state or imply either verbally or in print, that he will make any loan or transact business at any place other than that named in the license.

It is further prohibited by 205 ILCS 670/7 that any licensee shall, by any representation or device, offer to any customer any monetary inducement or any allowance, or anything of value, directly or indirectly, by means of which persons will be encouraged to become borrowers. No licensee shall endeavor to obtain loan recommendations by offering to pay, or by paying, with money or other articles of value, or by advertising allowances to any merchant, business organization or other persons.

It is further prohibited that an advertisement is false, misleading or deceptive, the Director may issue a cease and desist order.

(Source: Amended at 20 Ill. Reg. 5799, effective APR 8 1996)

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED RULES

1) Heading of the Part: Illinois Credit Union Act

2) Code Citation: 38 Ill. Adm. Code 190

3) Section Number: Adopted Action:
190.140 Amendment
190.160 Amendment

4) Statutory Authority: 205 ILCS 305/8

5) Effective Date of Rulemaking: April 8, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: December 8, 1995

9) Notice(s) of Proposal Published in Illinois Register: December 15, 1995,
19 Ill. Reg. 16415

10) Has JCAR issued a Statement of Objections to this rulemaking? No

11) Difference(s) between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking:

190.140 The rule expands the lending limits on real estate loans for all credit unions.

190.160 The rule eliminates, real estate loans from this provision and increases the limits for consumer loans.

16) Information and questions regarding this adopted rule should be directed to:

M. Rose Kelly
100 W. Randolph
Chicago, IL 60601
(312) 814-2008

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED RULES

The full text of the Adopted Rule(s) (Amendments) begins on the next page:

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED RULES

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER I: DEPARTMENT OF FINANCIAL INSTITUTIONS

PART 190

ILLINOIS CREDIT UNION ACT

Section	
190.5	Credit Union Service Organizations
190.10	Field of Membership Procedures
190.20	Hearings
190.30	Cease and Desist Procedures
190.40	Removal or Suspension Procedures
190.50	Fees
190.60	General Accounting Procedures
190.70	Loan Loss Accounting Procedures
190.80	Use of Electronic Data Processing
190.90	Property and Long Term Leases
190.100	Classes of Share and Special Purpose Share Accounts
190.110	Share Drafts
190.120	Bond and Insurance Requirements
190.130	Verification of Share and Loan Accounts
190.140	First-Mortgage Real Estate Lending
190.150	Reverse Mortgage
190.160	Lending Limits - Other Than First Mortgage Loans
190.165	Business Loans
190.170	Group Purchasing
190.180	Investments
190.190	Liquidation
190.200	Conversion of Charter

AUTHORITY: Implementing and authorized by the Illinois Credit Union Act [205 ILCS 305].

SOURCE: Adopted at 4 Ill. Reg. 20, p. 17, effective May 7, 1980; amended at 6 Ill. Reg. 11154, effective September 7, 1982; amended and codified at 7 Ill. Reg. 14973, effective October 26, 1993; emergency amendment at 9 Ill. Reg. 14378, effective September 11, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 16231, effective October 10, 1985; amended at 10 Ill. Reg. 14667, effective August 27, 1986; amended at 12 Ill. Reg. 10464, effective June 7, 1988; amended at 12 Ill. Reg. 17383, effective October 24, 1988; amended at 13 Ill. Reg. 15998, effective October 2, 1989; emergency amendment at 16 Ill. Reg. 12781, effective July 29, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17073, effective October 26, 1992; amended at 19 Ill. Reg. 2826, effective February 24, 1995; amended at 20 Ill. Reg. 5803, effective APR 8 1996.

Section 190.140 ~~First-Mortgage~~ Real Estate Lending

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED RULES

- a) A Credit Union with total assets greater than \$1.0 million may, following a resolution of its Board, make loans secured by a lien on ~~first-mortgage-in~~ real estate, subject to the following procedures:

Total Assets of a Credit Union	Maximum Amount of Loans Secured by a-First-Mortgage Real Estate	Aggregate of All First Mortgage Loans Secured by Real Estate Mortgages----
Under \$1.0 million	Lending Limits for Consumer Loans	0% of total assets
\$1.0 - 2.5 million	\$100,000 50-000	25% of total assets
\$2.5 - 5.0 million	\$150,000 75-000	30% of total assets
\$5.0 - 10.0 million	\$200,000 100-000	35% of total assets
\$10.0 - 30.0 million	\$350,000	40% of total assets
over \$30 million	\$500,000	45% of total assets
over \$10-million	\$200,000	40%-of-total-assets

- b) Credit unions with assets under \$1.0 million may make home equity and second mortgage loans subject to the lending limits for consumer loans set forth in 38 Ill. Adm. Code 190.160. Credit Unions with assets under \$1.0 million shall not make first mortgage real estate loans.

- c) Credit unions shall not make first mortgage real estate loans for more than the estimated market value or appraised value of the real estate securing the loans. Real estate loans, other than first mortgage loans, shall be limited to the value of the member-borrower's equity in the real estate securing the loan.

- d) ~~Provided-however-that-the~~ The maximum individual lending limit and the maximum ratio of first mortgage real estate loans may be increased by obtaining written approval from the Director. Such approval is to be based upon the need of the members and the credit union's real estate lending record.

- e) ~~The~~ The maximum limit on an individual loan by credit unions with assets greater than \$1.0 million is in addition to the secured and unsecured lending limits of Section 190.160 of this Part; provided, however, in no event shall all loans to any member exceed in the aggregate 10% of the credit union's unimpaired capital and surplus.

- f) ~~The~~ The maximum maturity of a loan secured by a first mortgage shall not exceed 30 years.

- g) ~~Procedures and-Documentation~~

- 1) All loans secured by a lien on ~~first-mortgage--in~~ real estate shall be made based upon prudent written lending policies ~~criteria~~ and sound lending practices as documented in each member's loan file. Unless waived by the Director, lending

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED RULES

policies shall include, without limitation, acceptable debt-to-income and loan-to-value ratios that will be considered the types of real estate security that will be accepted and any other prudent data considered necessary to determine the appropriateness of a loan request. All applicable State and Federal statutes shall be observed.

- 2) All accounting for real estate loan transactions shall be in accordance with generally accepted accounting principles.

h)

- 1) Any credit union granting loans secured by a lien in real estate must procure and retain the following documentation in its files:

A) A loan application that specifies the purpose of the loan (equity, purchase, construction, refinancing, etc.). The application must contain sufficient information to support the approval of the loan. Such information shall include without limitation: the amount of the loan requested; the purchase price (if applicable); a listing of the borrower's assets and liabilities; a statement of the borrower's income; a specific identification of the property; and an explanation of the source of the borrower's down payment. If the loan proceeds will be used for the purchase of the property, a copy of the real estate sale contract shall be included as an attachment to the application.

B)

A legal opinion from the credit union's attorney, or a title insurance policy that identifies the credit union's lien position on the property used to secure the loan. In the case of home equity lines of credit and second mortgages, a title search prepared by a service provider capable of conducting such a search shall be acceptable.

C)

For transactions of \$100,000 or less, a written estimate of market value of the property securing the loan, performed by an individual having no direct or indirect interest in the property and experienced to perform such estimations of value for the type and amount of credit being considered. For transactions over \$100,000, an appraisal by a state certified or licensed appraiser which estimates the market value of the property used as security for the loan.

D)

A credit report prepared by the credit union or a credit reporting agency. The report, in conjunction with the information contained in subsection (h)(1)(A) above, must demonstrate the applicant's past history of repayment and ability to repay the loan in question.

E)

A duly executed note and mortgage agreement that outline the borrower's agreement to repay the loan on the terms agreed, and the borrower's agreement to provide the credit union with a valid security interest in the subject property. The mortgage agreement must contain an accurate legal description of the subject property and be duly recorded in

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED RULES

the office of the appropriate county recorder of deeds.

F)

A settlement statement reflecting all costs of closing and all disbursements of funds at closing for real estate loans that require the use of a settlement statement under the Real Estate Settlement Procedures Act.

G)

On any loan where the lesser of the loan-to-value ratio or loan-to-purchase price ratio exceeds 80%, the credit union may require the borrower to obtain private mortgage insurance insuring the excess of the loan above the 80% factor.

H)

In the event the subject loan is to be used for the construction of a residential dwelling that is or will be the principal residence of the member-borrower and the loan will be secured by a perfected first lien or first security interest in favor of the credit union, the credit union must obtain satisfactory evidence of the payment in full of the costs of furnishing labor and material in connection with such construction. Such evidence shall include receipt of an owner's statement, under oath, setting forth the names of all parties with whom the owner has contracted for the furnishing of labor and material; a general contractor's sworn statement from each of the parties named in the owner's statement; a subcontractor's sworn statement from each subcontractor named in the general contractor's statement; and partial and final unconditional lien waivers from the general contractor and all subcontractors and materialmen indicating that they have completed their respective portion of the work and been paid in full. The credit union must inspect, or cause to be inspected by a third party, the completion of each phase of the work for which an advance of any portion of the loan proceeds is sought. Any such inspections must be clearly documented in the file as to the date of the inspection and a brief explanation of the work progression. Additionally, the credit union must obtain a borrower payment authorization, in connection with each payment to the general contractor. This subsection (H) shall not apply to a loan to finance the repair, alteration or improvement of a residential dwelling which is the residence of the member-borrower.

2)

A loan secured by a lien on real estate is exempt from the requirements of subsections (h)(1)(B), (C) and (G) of this Section if the loan complies with the following criteria:

A) The loan is not used for the purchase or refinancing of the real estate securing the loan.

B) The lien on real estate is taken as collateral solely through an abundance of caution.

C) The terms of the transaction are not more favorable than they would have been in the absence of the lien on real

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED RULES

estate.

- D) The transaction complies with the lending limits and other requirements for consumer loans set forth in Section 190.160 of this Part.

1) Sale of Real Estate Loans

- 1) A credit union may sell, in whole or in part, any loan secured by real estate to:

- A) Federal National Mortgage Association
 B) Government National Mortgage Association
 C) Federal Home Loan Mortgage Corporation
 D) Federal, State and Local Housing Authorities
 E) Federal or State Chartered Banks and Savings and Loan Associations

- F) Residential mortgage licensees properly registered with and licensed by the Illinois Commissioner of Savings and Residential Finance

- G) Such other institutions as approved by the Director
- 2) All such sales shall not be subject to recourse or repurchase except for the following:

- A) where the repurchase is at the seller's option;
 B) where agreement allows substitutions of one loan for another;
 C) where an agreement requires repurchase because of breach of warranty or misrepresentation.

(Source: Amended at 20 Ill. Reg. 5803, effective APR 8 1996)

Section 190.160 Lending Limits - Consumer Other-Than-First-Mortgage Loans

- a) The Board of Directors of a credit union shall, for loans other than loans secured by an interest in real estate, establish the maximum lending limits which shall not exceed the limits in the following schedule. A credit union may request approval from the Director for an exception to these limits, which shall be in writing substantiating the need for higher limits, detail the credit union's record of lending activity, and shall include financial statements reflecting sound fiscal history. In no event shall all loans to any member exceed in the aggregate 10% of the credit union's unimpaired capital and surplus.

Total Credit Union Assets	Maximum Unsecured Limit	Maximum Secured Limit
\$ 0 - \$ 50,000	\$750*	\$ 5,000*
50,000 - 200,000	\$1,500*	\$ 15,000*7500*
200,000 - 500,000	\$2,500	\$20,000+0+000

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED RULES

500,000	-	1.0 million	\$5,000+7500	\$25,000+57000
1.0	-	5.0 million	\$10,000+7000	\$40,000+57000
5.0	-	10.0 million	\$12,000+7500	\$50,000+57000
10.0	-	30 million	15,000	65,000
Over	-	30 million	20,000	80,000
Over	-	10.0 million	\$10,000	\$60,000

*AGENCY--NONE--Per Section 497 of the Illinois Credit Union Act--Ill. Rev. Stat. 1987--Ch. 177--Par. 4497--the maximum limits will be approved only if these limits are less than or equal to 10% of the credit union's unimpaired capital and surplus.

- b) The unsecured and secured loan limits are separate limits for each member. Subject to the member aggregate loan limit referenced in subsection (a) above and provided providing a member is credit worthy, the credit union may lend a total amount equal to the secured and unsecured loan limit to any one member.

- c) The above limits may be extended by the amount of the member's unencumbered share account(s) which must be pledged and frozen for the loan amount in excess of the limits.

- d) All loans are to be granted based upon prudent lending practice and procedures judgements and in accordance with written lending policies and procedures prescribed by the Board of Directors.

5803

(Source: Amended at 20 Ill. Reg. 5803, effective APR 8 1996)

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Transmitters of Money Act
- 2) Code Citation: 38 Ill. Adm. Code 205
- 3) Section Number: Adopted Action:
205.10 New
205.20 New
- 4) Statutory Authority: 205 ILCS 657/95
- 5) Effective Date of Rulemaking: April 8, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: December 8, 1995
- 9) Notice(s) of Proposal Published in Illinois Register: December 15, 1995,
19 Ill. Reg. 16423
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking:
205.10 The rule sets forth a manner to clarify how to calculate the average daily balance. The rule protects consumers and the integrity of the transmissions.
205.20 The rule requires licensees to report the removal, addition, or termination of an agent's relationship with licensee.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

M. Rose Kelly
100 W. Randolph, Chicago, IL 60601
312-814-2008

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED RULES

The full text of the Adopted Rulemaking begins on the next page:

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED RULES

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER I: DEPARTMENT OF FINANCIAL INSTITUTIONS

PART 205

TRANSMITTERS OF MONEY ACT

Section	
205.10	Average Daily Balance
205.20	Authorized Sellers

AUTHORITY: Implementing and authorized by Section 95 of the Transmitters of Money Act [205 ILCS 657/95]

SOURCE: Adopted at 20 Ill. Reg. 5811, effective APR 8 1996.

Section 205.10 Average Daily Balance

The average daily balance of payment instruments shall be calculated by averaging the balance of outstanding payment instruments as of the last day of each month for the previous 12 months or operational history, whichever is shorter.

Section 205.20 Authorized Sellers

- A licensee shall report to the Director, on a quarterly basis, the addition, removal or termination of operations of an authorized seller location on forms presented by the Director.
- This report must be accompanied by \$10.00 for each authorized seller added during the respective quarter and sample of the written contract entered into between the licensee and authorized seller.

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

- Heading of the Part: Riverboat Gambling
- Code Citation: 86 Ill. Adm. Code 3000
- | | |
|------------------|-----------------|
| Section Numbers: | Adopted Action: |
| 3000.300 | Amend |
| 3000.310 | Amend |
| 3000.320 | Amend |
| 3000.330 | Repeal |
| 3000.340 | Repeal |
| 3000.350 | Repeal |
| 3000.500 | Amend |
| 3000.510 | Amend |
| 3000.614 | New |
| 3000.616 | Amend |
| 3000.636 | New |

Statutory Authority: Riverboat Gambling Act [230 ILCS 10]

Effective Date of Rulemaking: April 9, 1996

Does this rulemaking contain an automatic repeal date? No

Does this rulemaking contain incorporations by reference? This rulemaking does not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.

Date Filed in Agency's Principal Office: April 1, 1996

Notice of Proposal Published in Illinois Register: June 9, 1995, 19 Ill. Reg. 7490

Has JCAR issued a Statement of Objections to these rules? No

Difference(s) between proposal and final version: Editing changes were made in accordance with suggestions by the Secretary of State Administrative Code Unit and the Joint Committee on Administrative Rules. Other changes were also made by the decision of the agency as a result of comment by the Joint Committee and the public.

The heading of Section 3000.310 is changed from "Minimum Internal Control Standards" to "Approval of Internal Control System." The text of Section 3000.320 is transferred, with changes and an added new paragraph (a), to Section 3000.310.

The heading of Section 3000.320 is changed from "Approval of Internal Control System" to "Minimum Standards for Internal Control Systems." The substance of the text of Section 3000.310 is transferred, with changes, to

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 3000.320. The topics required to be addressed in an owner's Internal Control System now are listed in Section 3000.320.

The heading of Section 3000.510 is changed from "Excursions During Inclement Weather or Mechanical Difficulties" to "Excursions During Canceled or Disrupted Cruises; Violations and Fines."

In the first sentence of Section 3000.510(b) the words "either of" have been struck. The second sentence of Section 3000.510(b) is revised to begin "If, due to any of the conditions listed in subsection (a)(1) or (a)(2),".

Section 3000.510(f) is revised in the second line by adding "or Section 3000.500" after "Section." In the third line of Section 3000.510(f) "cruise(s)" is changed to "gaming excursions." The last sentence is revised to read as follows: "Repeated violations of this Section or Section 3000.500 may result in more severe disciplinary action authorized under Section 5 of the Act."

In the heading and text of Section 3000.614 "Promotions" is changed to "Enhanced Payouts." A new subsection (a) is added to Section 3000.614 defining the terms "Enhanced Payout," "Tournament," and "Give-away." Section 3000.614(a) is relettered as Section 3000.614(b), and in subsection (b)(2) "the rules of the Board" is changed to "this Part." Section 3000.614(b) is relettered as Section 3000.614(c), and "Subpart C, Section" therein is changed to "Sections." Section 3000.614(c) is relettered as Section 3000.614(d).

The word "state" in the first sentence of Section 3000.616 is capitalized.

Section 3000.636(a) through Section 3000.636(d) are renumbered as to Section 3000.636(a)(1) through (1)(3), and a new subsection (b) is added. In Section 3000.636(a)(1) "applicable Minimum Internal Control Standards of the Board" is changed to "Internal Control System." Section 3000.636(a)(2) is revised by deleting "determined by the Administrator to be reasonable" and inserting in lieu thereof "not excessive." At the end of Section 3000.636(a)(3), "3000.636" is deleted. Section 3000.636(c) of the proposed rules is rewritten and inserted as the new Section 3000.636(b) of the adopted amendments, and the new subsection (b) states that "any provider of goods or services involved in approved coupon distribution processes and procedures under this Section may be required under the Part and the Act to be licensed as a Supplier."

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes. In accordance with the JCAR recommendation, the agency intends to amend Section 3000.636(a)(2) after it has some experience authorizing the use of complimentary chips and tokens thereunder.

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 13) Will this rulemaking replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? Yes

Section Numbers	Adopted Action	Illinois Register Citation
3000.230	Amend	November 13, 1995; 19 Ill. Reg. 15308
3000.235	New	November 13, 1995; 19 Ill. Reg. 15308

- 15) Summary and Purpose of Rulemaking: These rules establish procedures and provide guidance to the holders of riverboat gambling licenses for creating and maintaining required Internal Control Systems.

The rules clarify the authority of a riverboat captain to disrupt or cancel a cruise. A new provision is added authorizing the conduct of gaming when, for specified reasons, a riverboat cruise is disrupted. The fine for inappropriately conducting gaming excursions when a riverboat is docked is specified.

The rules require owner licensees to comply with State as well as federal regulations concerning tax withholding from gambling winnings. New rules define and delineate procedures for conducting tournaments, enhanced payouts, and give-aways, and regulate the distribution of coupons for complimentary chips and tokens.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Mareille B. Cusack
Chief Counsel
Illinois Gaming Board
160 N. LaSalle, Suite 300S
Chicago, IL 60601
(312) 814-4700; FAX: (312) 814-4602

The full text of the Adopted Amendment begins on the next page:

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE

CHAPTER IV: ILLINOIS GAMING BOARD

PART 3000

RIVERBOAT GAMBLING

SUBPART A: GENERAL PROVISIONS

Section	
3000.100	Definitions
3000.101	Invalidity
3000.110	Disciplinary Actions
3000.115	Records Retention
3000.120	Place to Submit Materials
3000.130	No Opinion or Approval of the Board
3000.140	Duty to Disclose Changes in Information
3000.141	Applicant/Licensee Disclosure of Agents
3000.150	Owner's and Supplier's Duty to Investigate Job Applicants
3000.155	Investigatory Proceedings
3000.160	Owner's and Supplier's Duty to Report Misconduct
3000.161	Communication with Other Agencies
3000.165	Participation in Games by Owners, Directors, Officers, Key Persons or Gaming Employees
3000.170	Fair Market Value of Contracts
3000.180	Weapons on Riverboat

SUBPART B: LICENSES

Section	
3000.200	Classification of Licenses
3000.210	Fees and Bonds
3000.220	Applications
3000.230	Owner's Licenses
3000.231	Distributions
3000.235	Transferability
3000.240	Supplier's Licenses
3000.245	Occupational Licenses
3000.250	Transferability of Licenses
3000.260	Waiver of Requirements
3000.270	Certification and Registration of Electronic Gaming Devices
3000.280	Application for Registration for all Gaming Devices
3000.281	Transfer of Registration
3000.282	Seizure of Gaming Devices
3000.283	Analysis of Questioned Electronic Gaming Devices

SUBPART C: OWNER'S INTERNAL CONTROL SYSTEM

Section

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

3000.300	General Requirements - Objectives of Internal Control System
3000.310	Approval of Internal Control System Administrator-Approval
3000.320	Minimum Standards for Internal Control Systems Requirements
3000.330	Review of Procedures (Repealed)
3000.340	Operating Procedures (Repealed)
3000.350	Modifications (Repealed)

SUBPART D: HEARINGS ON NOTICE OF DENIAL OR PLACEMENT ON EXCLUSION LIST

Section	
3000.400	Coverage of Subpart
3000.405	Requests for Hearings
3000.410	Appearances
3000.415	Discovery
3000.420	Motions for Summary Judgment
3000.425	Proceedings
3000.430	Evidence
3000.431	Prohibition on Ex Parte Communication
3000.435	Sanctions and Penalties
3000.440	Transmittal of Record and Recommendation to the Board
3000.445	Status of Applicant for Licensure or Transfer Upon Filing Request for Hearing

SUBPART E: EXCURSIONS

Section	
3000.500	Time of Excursion
3000.510	Excursions During Cancelled or Disrupted Cruises; Violations and Fines Inclement-Weather or Mechanical Difficulties

SUBPART F: CONDUCT OF GAMING

Section	
3000.600	Wagering Only with Approved Chips, Tokens and Electronic Cards
3000.605	Authorized Games
3000.610	Publication of Rules and Organization Ratio for Live Gaming Devices
3000.614	Tournaments, Enhanced Payouts and Give-aways
3000.615	Organization Percentage for Electronic Gaming Devices
3000.616	Cashing-In
3000.620	Submission of Chips for Review and Approval
3000.625	Chip Specifications
3000.630	Primary, Secondary and Reserve Sets of Gaming Chips
3000.635	Issuance and Use of Tokens for Gaming in Electronic Gaming Devices
3000.636	Distribution of Coupons for Complimentary Chips and Tokens
3000.640	Exchange of Chips and Tokens
3000.645	Receipt of Gaming Chips or Tokens from Manufacturer or Distributor
3000.650	Inventory of Chips
3000.655	Destruction of Chips and Tokens

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

3000.660 Minimum Standards for Electronic Gaming Devices
 3000.665 Integrity of Electronic Gaming Devices
 3000.670 Computer Monitoring Requirements of Electronic Gaming Devices

SUBPART G: EXCLUSION OF PERSONS

Section
 3000.700 Duty to Exclude
 3000.710 Distribution and Availability of Exclusion Lists
 3000.720 Criteria for Exclusion or Ejection and Placement on an Exclusion List
 3000.730 Procedure for Entry of Names
 3000.740 Petition for Removal from Exclusion List

SUBPART H: SURVEILLANCE AND SECURITY

Section
 3000.800 Required Surveillance Equipment
 3000.810 Security and Board Surveillance Rooms Requirements
 3000.820 Segregated Telephone Communication
 3000.830 Security Logs
 3000.840 Storage and Retrieval
 3000.850 Dock Site Board Facility
 3000.860 Maintenance and Testing

SUBPART I: LIQUOR LICENSES

Section
 3000.900 Liquor Control Commissioner
 3000.910 Liquor Licenses
 3000.920 Disciplinary Action
 3000.930 Hours of Sale

SUBPART J: ACCOUNTING RECORDS AND PROCEDURES

Section
 3000.1000 Ownership Records
 3000.1010 Accounting Records
 3000.1020 Standard Financial and Statistical Records
 3000.1030 Annual Audits and Other Reporting Requirements
 3000.1040 Accounting Controls Within the Cashier's Cage
 3000.1050 Procedures for Exchange of Checks Submitted by Gaming Patrons and Granting Credit
 3000.1060 Handling of Cash at Gaming Tables
 3000.1070 Tips or Gratuities
 3000.1071 Deposits of Admission Tax and Wagering Tax
 3000.1072 Cash Reserve Requirements

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

Section
 3000.1100 Coverage of Subpart
 3000.1105 Duty to Maintain Suitability
 3000.1110 Board Action Against License or Licensee
 3000.1115 Complaint
 3000.1120 Appearances
 3000.1125 Answer
 3000.1126 Appointment of Hearing Officer
 3000.1130 Discovery
 3000.1135 Motions for Summary Disposition
 3000.1140 Proceedings
 3000.1145 Evidence
 3000.1146 Prohibition of Ex Parte Communication
 3000.1150 Sanctions and Penalties
 3000.1155 Transmittal of Record and Recommendation to the Board

AUTHORITY: Implementing and authorized by the Riverboat Gambling Act [230 ILCS 10].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. 13310, effective August 17, 1992; 5819 at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 20 Ill. Reg. 5819 at 17 Ill. Reg. 11510, effective APR 9 1996.

SUBPART C: OWNER'S INTERNAL CONTROL SYSTEM

Section 3000.300 General Requirements - Objectives of Internal Control System

The holder of an Owner's License ~~license~~ shall establish, maintain and update an Internal Control System, the purposes and the procedures of which shall be designed to reasonably insure that:

- a) Assets are safeguarded;
- b) Financial records are accurate and reliable;
- c) Transactions are performed only in accordance with the specific or general authorization of the holder of an Owner's ~~License license~~;
- d) Transactions are recorded adequately to permit proper reporting of Adjusted Gross Receipts and of fees and taxes, to maintain accountability for assets, and in conformity with generally accepted accounting principles;
- e) Access to assets is permitted only by authorized personnel;
- f) Recorded accountability for assets is compared with actual assets at reasonable intervals and appropriate action is taken with respect to any discrepancies;
- g) Functions, duties and responsibilities are appropriately segregated and performed in accordance with sound practices by competent,

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

qualified personnel; and

h) Gaming is conducted with integrity; and

i) The Act and rules of the Board are followed.

(Source: Amended at 20 Ill. Reg. effective
APR 9 1996) **5814**

Section 3000.310 Approval of Internal Control System Administrator-Approval

the holder of an owner's license shall submit to the Administrator a description of its internal control system at least ninety (90) days before the Riverboat Gaming Operation commences, unless otherwise directed by the Administrator. Each such submission shall contain both a narrative and, where appropriate, diagrammatic representations of the internal control system.

a) The Board has delegated to the Administrator responsibility for approving, on behalf of the Board, the Internal Control Systems of Owner Licensees if the Administrator finds that the Internal Control System meets the requirements of Sections 3000.300 and 3000.320 of this Part.

b) The Internal Control System of an applicant that is found preliminarily suitable must be initially approved by the Administrator prior to the commencement of Gaming Operations.

c) Proposed changes to the Internal Control System must be submitted in writing to the Administrator for approval. No Internal Control System change may be implemented by the Owner Licensee unless approved by the Administrator.

d) The holder of an Owner's License is subject to Board disciplinary action for violations of its Internal Control System.

e) Employees of a Riverboat Gaming Operation are subject to disciplinary action by the Board for the violation of an Owner Licensee's Internal Control System.

f) The Internal Control System of each Owner Licensee or applicant found preliminarily suitable may be reviewed for compliance with the requirements of these rules by an independent certified public accountant selected by the Administrator. Each certified public accountant must be registered in the State of Illinois under the Illinois Public Accounting Act.

(Source: Section repealed, new Section adopted at 20 Ill. Reg. effective APR 9 1996) **5814**

Section 3000.320 Minimum Standards for Internal Control Systems Requirements

The internal control system shall include without limitation the following:

a) An organizational chart depicting the appropriate segregation of functions and responsibilities;

b) A description of the duties and responsibilities of each position

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

shown on the organizational chart;

e) A detailed narrative description of the administrative and accounting procedures designed to satisfy the requirements of Section 3000.300 including without limitation a separate section for the following:

1) Five Games

A) Physical characteristics of drop box and tip box;
B) Transportation of drop and tip boxes to and from gaming tables;

C) Procedures for chip purchases;

D) Procedures for chip inventory;

E) Procedures for opening gaming tables;

F) Procedures for accepting cash and cash equivalents at gaming tables;

G) Procedures for fills and credits;

H) Procedures for accepting tips or gratuities from patrons;

I) Procedures for transporting chips and tokens to and from gaming tables;

J) Procedures for shift changes at gaming tables;

K) Procedures for closing gaming tables;

2) Electronic Gaming Devices

A) Drop bucket characteristics;

B) Transportation of drop buckets to and from Electronic Gaming Devices;

C) Procedures for token purchases;

D) Procedures for token inventory;

E) Procedures for hopper fill;

F) Procedures for transportation of Electronic Gaming Devices;

G) Procedures for jackpots;

3) Cashier's cage

A) Layout and physical characteristics;

B) Procedures for accounting controls;

C) Procedures for exchange of checks submitted by gaming patrons;

D) Procedures for granting credit;

E) Procedures for acceptance accounting for and redemption of patrons' cash deposits;

F) Procedures for control of coupon redemption and other complimentary distribution programs;

G) Procedures for promoted facilities;

H) Procedures for Federal Cash Transactions reporting;

4) Count Room

A) Characteristics;

B) Procedures for counting and recording gaming table drop and tip boxes;

C) Procedures for counting and recording Electronic Gaming Device drop buckets;

5) Internal Audit

A) Description of and procedures for a holder's security and

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

surveillance-systems; and all rules concerning live-games:

- a) Subject to the approval process outlined in Section 3000.310, the Internal Control System shall be updated in a timely manner to reflect changes made by the Owner Licensee in operating procedures, changes required by the Administrator and changes recommended by external or compliance auditors. Each Owner Licensee shall provide copies of its approved Internal Control System and any modifications of that system to the Administrator.
- b) The Internal Control System shall include a detailed narrative description of the Owner Licensee's Gaming, administrative and accounting procedures, including without limitation separate sections comprehensively describing the specific procedures that the Owner Licensee will follow in meeting the requirements of Section 3000.300. The procedures shall discuss at a minimum, when applicable, the topics listed in subsection (c) of this Section. The Board will provide guidelines to further assist Owner Licensees in meeting the requirements of this Subpart by maintaining and making available to Owner Licensees and applicants its review guidelines entitled Minimum Internal Control Standards (MICS).

c) The Internal Control System shall address the following topics:

- 1) Submission, Approval, and Amendment of Internal Control System
- 2) General and Administrative
- 3) Sensitive Key Controls
 - A) General - Location and Access
 - B) Sensitive Key Procedures
 - C) Sensitive Key Access List
 - D) Sensitive Key Log
 - E) Broken, Lost or Missing Keys
- 4) Live Games (Table Games)
 - A) Disposal of Live Gaming Devices, Equipment and Layout
 - B) Table Inventory
 - C) Opening of Gaming Tables
 - D) Shift Change at Gaming Tables
 - E) Closing of Gaming Tables
 - F) Table Fills
 - G) Table Credits
 - H) Accepting Cash at Gaming Tables
 - I) Markers Issued at Gaming Tables
 - J) Cards and Dice Control
 - K) Control over Table Layouts
 - L) Tips and Gratuities
 - M) Statistics
- 5) Rules of the Game - For Each Authorized Game Played
 - A) Object of Game and Method of Play
 - B) Physical Characteristics of Gaming Equipment and Table

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

- C) Permissible Wagers and Payout Odds
- D) Inspection Procedures for Gaming Equipment
- E) Collection of Bets and Payout Procedures
- F) Dispute Arbitration
- G) Suspected Cheating Procedures
- H) Dealer Relief
- I) Suspected Defective or Malfunctioning Equipment
- J) For Games Using Cards
 - i) Shuffling Procedures
 - ii) Card Cutting Procedures
 - iii) Dealing and Taking Card Procedures
 - iv) Burning Cards Procedures
- 6) Electronic Gaming Devices (EGDs)
 - A) General - EGD Access and Computer Monitoring Procedures
 - B) Hopper Fills
 - C) Hand-Paid Payouts
 - D) Other EGD Occurrences
 - E) Issuance of Markers at EGDs
 - F) Location, Conversion and Movement of EGDs
 - G) Resetting/Clearing the Random Access Memory (R.A.M.)
 - H) Statistics
- 7) Live Games and EGD Drops and Counts
 - A) Drop Devices, Separate Drop and Count Procedures
 - B) Table Game Drop Box Characteristics
 - C) Emergency Table Game Drop Boxes
 - D) EGD Drop Bucket Characteristics
 - E) Bill Validator Drop Box Characteristics
 - F) Emergency Bill Validator Drop Boxes
 - G) Collection/Transportation of Drop Devices
 - H) Soft and Hard Count Rooms Characteristics
 - I) Count Standards
 - J) Weight Scale Standards (Hard Count)
 - K) Counting and Recording Drops
- 8) Casino Cashiering and Credit
 - A) Fills, Credits, Markers, Payouts and Drops
 - B) Location and Functions
 - C) Casino Cage Accountability
 - D) Main Bank/Vault Accountability
 - E) Even Exchanges
 - F) Chip and Token Inventories
 - G) Credit Transactions
 - H) Issuance of Markers
 - I) Redemption and Consolidation of Markers
 - J) Customer Deposits and Withdrawals
 - K) Check Cashing Privileges
 - L) Returned Checks
 - M) Other Cash Transactions
 - N) Redemption of Gratuities for Non-Gaming Employees

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 9) Exchange of Foreign Tokens
Coupon Redemption and Other Complimentary Distribution Programs
- A) Accounting Records
 B) Controls over Locked Accounting Box
 C) Storage of Unused Forms
 D) Signature Records
 E) Deposit of Admission Tax and Wagering Tax
 F) Sensitive Key Logs
 G) Complimentary Services
 H) Procedures for Monitoring and Reviewing Gaming Operations
 I) Casino Accounts Receivable
 J) Monthly Reporting Requirements

- 10) Admissions
Admission Procedures and Computation of Admission Tax
- 11) Currency Transaction Reporting
- A) Reporting Requirements, Federal and State Regulations, Alternative Systems
 B) Reportable Transactions
 C) Obtaining and Verifying Identification
 D) Logging Cash Transactions
 E) Circumvention of Currency Transaction Reporting Requirements
 F) Currency Transaction Reports
 G) Surveillance Photographs

- 12) Internal Audit
- A) Independent Internal Audit Department
 B) Required Internal Audits
 C) Reporting Guidelines
 D) Review of Changes to the ICS
- 13) Surveillance
- A) Independent Surveillance Department
 B) Surveillance Room Access and Control
 C) Daily Operations
 D) Chain of Evidence

- 14) Security
- A) Security Department
 B) Notice to Gaming Board
 C) Detailed Procedures for:
- i) Case Number System/Incident Reports
 ii) Lost Badges/Temporary Badges
 iii) Visitor/Vendor Badges
 iv) Use of Metal Detectors
 v) Fund Transfer Control
 vi) Power Failure/Camera Outage
 vii) Enforcement of Gambling Restrictions/21 Years Old Minimum
 viii) Firearms Prohibition

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

- ix) Alcohol Beverage Control
 x) Disorderly/Disruptive Patrons
 xi) Trespass Policy
 xii) Handling of Emergencies
 xiii) Eviction Procedures
- 15) Purchasing and Contract Administration
- A) General - Purchases and Contracts, Leases, Management Contracts, Owners
 B) Statement of Policy
 C) Normal Purchasing Transactions
 D) Capital Expenditures
 E) Related Party Transactions

- 16) Forms
- A) Forms Index
 B) General - Forms Requirements
 C) Signatures
 D) Control of Forms
 E) Numbering
 F) Manual Forms Dispensers
 G) Voiding Forms
 H) Forms Description

(Source: Section repealed, new Section adopted at 20 Ill. Reg. 5814, effective APR 9 1996)

Section 3000.330 Review of Procedures (Repealed)

The submission required by Section 3000.320(c) shall be reviewed for compliance with the requirements of these rules by an independent certified public accountant selected by the Administrator. Each certified public accountant must be registered in the State of Illinois under the Illinois Public Accounting Act.

(Source: Repealed at 20 Ill. Reg. 5814, effective APR 9 1996)

Section 3000.340 Operating Procedures (Repealed)

The holder of an Owner's License shall submit to the Administrator a detailed description of operating procedures including contingency and emergency procedures.

(Source: Repealed at 20 Ill. Reg. 5814, effective APR 9 1996)

Section 3000.350 Modifications (Repealed)

The holder of an Owner's License shall submit to the Administrator any changes

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

~~to the Internal Control System. No such holder shall alter its internal Control System unless and until such changes are approved by the Administrator.~~

(Source: Repealed at 20 Ill. Reg. 5814, effective

APR 9 1996)

SUBPART E: EXCURSIONS

Section 3000.500 Time of Excursion

a) Except as provided in this Section and in Section 3000.510, no Gaming shall be conducted while a Riverboat is docked. A Riverboat captain shall decide whether to cancel or disrupt a cruise.

b) A Gaming excursion shall be deemed to have started upon the commencement of Gaming.

c) For the purpose of orderly ingress of passengers to a Riverboat, Gaming gaming shall be deemed to commence when the first passenger boards a Riverboat for an excursion and may continue while other passengers are boarding for a period not to exceed thirty (30) minutes, at which time the gangplank or its equivalent shall be raised and further boarding shall not be permitted.

d) For the purpose of orderly egress of passengers from a Riverboat at the end of an excursion, Gaming gaming may continue for a period not to exceed thirty (30) minutes after the gangplank or its equivalent is lowered. During this thirty (30) minute period of egress, new passengers may not board a Riverboat.

e) The ~~these~~ periods of ingress and egress time shall not extend the four-hour maximum period during which Gaming gaming may be conducted during a Gaming gaming excursion.

(Source: Amended at 20 Ill. Reg. 5814, effective

Section 3000.510 Excursions During Cancelled or Disrupted Cruises; Violations and Fines Inclement Weather or Mechanical Difficulties

a) If a Riverboat captain reasonably determines that either of the following circumstances exist, he shall either not leave the dock or immediately return thereto:

- 1) The captain deems it unsafe to transport passengers on the waterway due to inclement weather; or
- 2) The Riverboat has been rendered temporarily inoperable by river icing or unforeseeable mechanical or structural difficulties or ~~river~~ ~~ing~~. In the case of unforeseeable mechanical or structural difficulties, the holder of an Owner's License shall make all reasonable effort to remedy the problem promptly.

b) If a Riverboat captain reasonably determines for reasons of safety that although seaworthy, the Riverboat should not leave the dock or

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

should return immediately thereto, due to ~~either~~ of the above conditions, a Gaming excursion may commence or continue while the gangplank or its equivalent is raised and remains raised, in which event the Riverboat shall not be considered docked. If, due to any ~~either~~ of the above conditions listed in subsection (a)(1) or (a)(2), a Gaming excursion must commence or continue with the gangplank or its equivalent raised, and the Riverboat does not leave the dock, ingress is prohibited until the completion of the excursion.

c) Once a Riverboat captain has determined that circumstances set forth above have occurred, the Riverboat shall not depart from the dock for the scheduled excursion or the remainder of an excursion period, whichever is applicable.

d) For reasons of extraordinary and unforeseeable matters involving security, personal health or safety, a ship captain may delay a scheduled departure from the dock or return to the dock before the end of the scheduled excursion. During this disrupted excursion period, Gaming may be conducted. However, no new Gaming passengers may board during this disrupted excursion period.

e) If a Riverboat captain deems it necessary to take any action specified in this Section ~~either of the actions specified in paragraph (a)~~, the holder of an Owner's License shall promptly file with the Administrator a report detailing the basis for such action.

f) Any holder of an Owner's License who conducts Gaming in violation of this Section or Section 3000.500 shall be fined an amount determined as follows:

The number of admissions for the gaming excursion in violation as a percentage of the total admissions for the Gaming day multiplied by the Adjusted Gross Receipts for that Gaming day.

Repeated violations of this Section or Section 3000.500 may result in more severe disciplinary action authorized under Section 5 of the Act.

(Source: Amended at 20 Ill. Reg. 5814, effective APR 9 1996)

SUBPART F: CONDUCT OF GAMING

Section 3000.614 Tournaments, Enhanced Payouts and Give-aways

a) For purposes of this Section, the following terms shall have the following meanings:

- 1) Enhanced Payout: An event sponsored by a Riverboat Gaming Operation wherein Gaming patrons participate in a Game or an approved variation of a Game and thereby qualify for receiving, upon a specified outcome in such Game, a payment or thing of value in excess of payouts contained in the Internal Control System or as displayed on the Gaming Device. The cost of such excess payment or thing of value may be subtracted from Gross

ILLINOIS GAMING BOARD

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

Receipts in determining Adjusted Gross Receipts.

2) Tournament: A contest sponsored by a Riverboat Gaming Operation wherein patrons of the Riverboat Gaming Operation are assessed an entry fee to play a Game or Games, wherein the patrons are required to wager at the Game or Games and wherein winning patrons receive the total of all such entry fees which may be increased with cash and non-cash prizes from the Riverboat Gaming Operation. The cost of any cash or non-cash prizes added to the entry fees may not be subtracted from Gross Receipts in determining Adjusted Gross Receipts.

3) Give-away: A Game where patron entry to the Game is determined by attendance on a riverboat or the attainment of a certain outcome or an accumulation of points/credits on a Gaming Device. The cost of prizes paid in a Give-away may not be subtracted from Gross Receipts in Determining Adjusted Gross Receipts.

b) Tournaments, Enhanced Payouts or Give-aways may only be conducted when:

1) Documented in the Internal Control System of the holder of an Owner's License;

2) In conformance with the Act, this Part and the Internal Control System; and

3) Approved by the Administrator.

c) The Internal Control System provisions for the conduct of Tournaments, Enhanced Payouts or Give-aways involving Gaming shall be submitted by the holder of an Owner's License pursuant to Sections 3000.300 through 3000.320.

d) Requests for the conduct of specific Tournaments, Enhanced Payouts and Give-aways involving Gaming must be received in writing by the Administrator at least 14 days prior to the proposed date of implementation.

(Source: Added at 20 Ill. Reg. 5814, effective APR 4 1996)

Section 3000.616 Cashing-In

A holder of an Owner's License shall comply with all federal Federal and State regulations and requirements for the withholding of taxes from winnings and/or the filing of Currency Transaction Reports. The patron shall produce an identification card confirming information required by these forms, prior to the disbursement of winnings.

(Source: Amended at 20 Ill. Reg. 5814, effective APR 4 1996)

Section 3000.636 Distribution of Coupons for Complimentary Chips and Tokens

a) The holder of an Owner's License may, for specified marketing

purposes, provide patrons of its Riverboat Gaming Operation coupons redeemable for complimentary Chips or Tokens, with the approval of the Administrator and subject to the following requirements:

1) The processes and procedures for the control, accountability and distribution of coupons for Chips and Tokens and for the redemption of such coupons are provided for in the holder of an Owner's License's Internal Control System and in conformance with the Internal Control System;

2) The aggregate dollar value of Chips or Tokens authorized for complimentary purposes is not excessive in light of the specific marketing objectives of the licensee; and

3) Periodic internal audits validate the integrity and accountability of the processes and procedures authorized and required under this Section.

b) Any provider of goods or services involved in approved coupon distribution processes and procedures under this Section may be required under this Part and the Act to be licensed as a Supplier.

(Source: Added at 20 Ill. Reg. 5814, effective APR 4 1996)

ILLINOIS HEALTH FACILITIES AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Sale of Bonds
- 2) Code Citation: 77 Ill. Adm. Code 1400
- 3) Section Numbers: Adopted Action:
 1400.5 Repeal
 1400.20 Amendment
 1400.40 Repeal
 1400.50 Repeal
 1400.60 Repeal
 1400.70 Repeal
 1400.80 Repeal
 1400.90 Repeal
 1400.100 Repeal
 1400.110 Renumber
- 4) Statutory Authority: Implementing Section 4.17 and authorized by Section 4.01 of the Illinois Health Facilities Authority Act [20 ILCS 3705/4.17 and 4.01].
- 5) Effective Date of Amendments: April 12, 1996.
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 1, 1996.
- 9) Notice(s) of Proposal Published in Illinois Register: January 5, 1996 at 20 Ill. Reg. 91.
- 10) Has JCAR issued a Statement of Objections to this (these) Rule(s)? No
- 11) Difference(s) between Proposal and final version:
Table of Contents
 Restructure the changes in the heading to Section 1400.20 to show the language "Authority's Annual Fee" before the deletions.
Authority Note
 Insert "[20 ILCS 3705/4.17 and 4.01]" in lieu of "(Ill. Rev. Stat. 1983, ch. 111-2/3, pars. 1104.17 and 1104.01) [20 ILCS 3705/4.17 and 20 ILCS 3705/4.01]".
Section 1400.20

ILLINOIS HEALTH FACILITIES AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

Restructure Section heading to show the new language "Authority's Annual Fee" before the deletions.

To delete the words "amount of the" in the sentence beginning with the phrase "Subject to the foregoing limits, the" and to insert in lieu thereof the phrase "rate that will be used to calculate the".

To insert at the end of the Section a new sentence as follows: "Pursuant to Section 4.17 of the Illinois Health Facilities Authority Act, the rate to be applied in determining the annual fee shall be sufficient, when combined with other fees charged, to cover the administrative costs and expenses of the Authority."

To correct the Section source note to read as follows: "Renumbered from Section 1400.110 and amended at 20 Ill. Reg. _____, effective _____."

Section 1400.110

Delete "and amended" from the Section source note.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of these amendments: Section 4.17 of the Illinois Health Facilities Authority Act (the "Act") authorizes the Illinois Health Facilities Authority (the "Authority") to charge to, and apportion among, institutions seeking financing through the Authority under the Act the Authority's administrative costs and expenses through application, annual and other fees. Through the rule amendment, the Authority has established the existing level of its annual fee as a ceiling and intends to allow the annual fee to be adjusted by the Authority's Members subject to this ceiling. The Authority has also eliminated the portion of its rules describing various financing costs inasmuch as such descriptions (i) seem unnecessary given borrowers' understanding of the financing process and their responsibility for such costs and (ii) in some cases have become incomplete or dated as a result of changes in the methods of accomplishing such financings.
- 16) Information and questions regarding these amendments shall be directed to:
Name: Mary M. McInerney
 Executive Director

ILLINOIS HEALTH FACILITIES AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

Address:
Illinois Health Facilities Authority
180 North Stetson Street - Suite 1100
Chicago, Illinois 60601

Telephone: 312-861-4445
TDD: 312-861-4456

The full text of the adopted amendments begins on the next page:

ILLINOIS HEALTH FACILITIES AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER III: ILLINOIS HEALTH FACILITIES AUTHORITY

PART 1400
SALE OF BONDS

Section
1400.5
1400.10
1400.20

Fees and Costs Applicable to the Sale of Bonds (Repealed)
Authority Fee Initial
Authority's Annual Fee Authority Fee---Application---(For---short-term
Equipment---Financings---equal-to-or-less-than-59,000,000-and-utilizing
standardized-legal-documents)---(Repealed)
Payment of Application Fee (Repealed)
Financial Feasibility Costs (Repealed)
Bond Rating Agency Fees (Repealed)
Printing Costs (Repealed)
Bond Counsel (Repealed)
Trustee Fees (Repealed)
Title Insurance (Repealed)
Payment of Fees and Costs (Repealed)
Authority's Annual Fee (Renumbered)

1400.30
1400.40
1400.50
1400.60
1400.70
1400.80
1400.90
1400.100
1400.110

Authority Application (Except for short-term financing etc.)
(Repealed)
Authority Application Fee (For short-term financing etc.)
(Repealed)
TABLE A
TABLE B

AUTHORITY: Implementing Section 4.17 and authorized by Section 4.01 of the Illinois Health Facilities Authority Act [20 ILCS 3705/4.17 and 4.01].

SOURCE: Adopted at 3 Ill. Reg. 38, p. 213, effective September 21, 1979; amended at 6 Ill. Reg. 5507, effective April 19, 1982; codified at 8 Ill. Reg. 18471; amended at 18 Ill. Reg. 10712, effective June 30, 1994; amended at 20 Ill. Reg. 5831, effective APR 12 1996.

Section 1400.5 Fees and Costs Applicable to the Sale of Bonds (Repealed)

This--Part--is--a--summary--of--certain--fees--and--costs--to--be--charged--to--an--applicant
in--connection--with--an--Illinois--Health--Facilities--Authority--financing---those
fees--and--expenses--which--may--be--determined--in--advance--have--been--briefly
described---Other--fees--which--vary--by--applicant--and--by--project--have--been--briefly
described---The--Authority--will--provide--estimates--of--the--variable--fees--upon
request--by--any--prospective--applicant---in--addition--other--fees--may--be--incurred
with--respect--to--a--particular--financing--and--will--be--discussed--by--the--Authority
with--the--applicant.

(Source: Repealed APR 12 1996, 20 Ill. Reg. 5831, effective)

ILLINOIS HEALTH FACILITIES AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

Section 1400.20 Authority's Annual Fee Authority Fee Application (For short-term Equipment Financings equal to or less than \$3,000,000 and utilizing standardized legal documents) (Repealed)

a) Each institution which obtains financing through the Authority shall pay an annual fee (the "Annual Fee") to the Authority. Except with respect to equipment financings and financings involving multiple, unaffiliated borrowers, such Annual Fee shall be payable by an institution shall not exceed the lesser of (i) equal 0.025 percent of the outstanding principal balance of such institution's financing from the Authority and (ii) the amount of 7--provided however--such fee shall not exceed \$15,000 per year per issue. Subject to the foregoing limits, the rate that will be used to calculate the Annual Fee and the terms of its payment (which may include a lump sum payment) shall be established by resolution of the Authority. Pursuant to Section 4.17 of the Illinois Health Facilities Authority Act, the rate to be applied in determining the annual fee shall be sufficient, when combined with other fees charged, to cover the administrative costs and expenses of the Authority.

(Source: Renumbered from Section 1400.110 and amended at 20 Ill. Reg. 5831, effective APR 12 1996)

Section 1400.40 Financial Feasibility Costs (Repealed)

The costs of the financial feasibility study will vary with the nature of the applicant and its size and with the complexity of the project being financed. Selection of the firm to perform this study from the Authority's list of approved consulting firms will be made by the Authority after consultation with the applicant. Feasibility consultants must be public accounting or consulting firms with the experience and expertise necessary to prepare financial feasibility studies acceptable to the Authority rating agencies underwriters and purchasers of municipal bonds. The selection of the feasibility consultant for a specific project will be made by the Authority in consultation with the applicant. The feasibility study shall be prepared for the Authority and the Authority shall charge the applicant the amount charged to the Authority by the financial feasibility firm. At the time the financial firm agrees to undertake the study an agreement will be reached with respect to the time for payment of its fee.

(Source: Repealed at 20 Ill. Reg. 5831, effective APR 12 1996)

Section 1400.50 Bond Rating Agency Fees (Repealed)

Normally, all public financings will be submitted to two bond rating agencies. Moody's Investors Service, Inc. and Standard & Poor's Corporation for the assignment of a bond quality rating. The applicant's cost of these services varies with the size of the bond issue and the time required for the agencies to make their evaluation. Costs for these services customarily are a minor fraction of 1% of the principal of the bonds. Payment of these costs may usually be deferred until the closing of the bond sale, but are payable even if the financing does not close.

(Source: Repealed at 20 Ill. Reg. 5831, effective APR 12 1996)

Section 1400.60 Printing Costs (Repealed)

Printing costs include the charges for printing and distribution of preliminary and final Official Statement and the printing of bonds which is done by a company specializing in the printing of such documents. The various legal documents (such as mortgage, indenture or loan agreement and the guaranty) may be reproduced by a less formal and less expensive method. The cost of reproduction will vary with the length of the documents, the number of copies required and the type of reproduction used. The number of corrections made in various proofs will also affect the cost. The method of reproduction will be decided jointly by the Authority and the applicant after consultation with the underwriters. Payment of printing costs may usually be deferred until the closing of the bond sale but payment is due even if the financing does not close.

(Source: Repealed at 20 Ill. Reg. 5831, effective APR 12 1996)

Section 1400.70 Bond Counsel (Repealed)

a) The fees and out-of-pocket expenses of bond counsel are payable and due at closing. Fees for this service vary with the size of the bond issue. The fee schedule is available for inspection at the office of the Authority.

b) In the event the Authority determines other than bonds will not be sold on a reasonable schedule or that having been sold, the sale will not be closed on a reasonable schedule, there shall be paid to bond counsel the amount which represents the value of the time expended by bond counsel on the transaction plus out-of-pocket expenses incurred by bond counsel in connection with the transaction, provided that the total amount of fees payable to bond counsel for such a transaction shall not exceed the fee which would have been payable in connection with the transaction had it closed.

ILLINOIS HEALTH FACILITIES AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

(Source: Repealed at 20 Ill. Reg. 5831, effective APR 12 1996)

Section 1400.80 Trustee Fees (Repealed)

Bond-trustees-and-paying-agents-are-customarily-banks--of--sufficient--size--to provide--the--necessary--fiduciary--services--required--under--an--indenture. Normally--a--fee--is--charged--by--the--trustee--at--the--time--of--the--closing--of--the bond--sale--for--its--various--services--in--connection--with--receipt--of--monies--to--be deposited--in--funds--created--under--the--indenture--and--payments--from--the--borrower and--the--disbursements--of--principal--and--interest--to--bondholders--the--fees--of trustees--are--negotiable--within--limits--and--vary--with--the--individual--banks.

(Source: Repealed at 20 Ill. Reg. 5831, effective APR 12 1996)

Section 1400.90 Title Insurance (Repealed)

Title-insurance-is-a-necessary-element-of-security-for-a-bond-issue-and-secured by-a-mortgage--the-cost-varies-with-the-amount-of-insurance-and-with-special services-required-of-the-title-insurance-companies--such-as-construction-escrow payments--the-fees-of-the-title-company-are-generally-payable-at-the-bond-sale closing--if-the-sale-of-bonds-is-not-consummated-and-title-insurance-policies are-not-issued--the-title-charges-are-usually-limited-to-search-fees.

(Source: Repealed at 20 Ill. Reg. 5831, effective APR 12 1996)

Section 1400.100 Payment of Fees and Costs (Repealed)

The-applicant-is-responsible-for-all-of-the-foregoing-costs-whether-or-not bonds-are-sold-or-delivered--except-as-expressly-provided-above-with-respect-to the-Authority's-application-fee-fees-of-bond-counsel-trustee's-fees-and-title insurance-fees--all-fees-and-costs-described-above-which-are-due-at-the closing-may-be-paid-from-bond-proceeds--and-to-the-extent-such-fees-and expenses-are-due-and-have-been-paid-by-the-applicant-prior-to-the-closing--they may-be-reimbursed-to-the-applicant-from-bond-proceeds.

(Source: Repealed at 20 Ill. Reg. 5831, effective APR 12 1996)

Section 1400.110 Authority's Annual Fee (Renumbered)

(Source: Renumbered to Section 1400.20 at 20 Ill. Reg. 5831, effective APR 12 1996)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Definition of Salary
- 2) Code Citation: 50 Ill. Adm. Code 6302
- 3)

<u>Section Number:</u>	<u>Adopted Action:</u>
6302.10	Amended
6302.20	Amended
6302.30	Amended
6302.35	New Section
6302.40	Amended
6302.50	Amended
6302.60	New Section
- 4) Statutory Authority: Implementing and authorized by Section 22-501.1 of the Illinois Pension Code [40 ILCS 5/22-501.1].
- 5) Effective Date of amendments: April 9, 1996
- 6) Does this amendment contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: April 9, 1996
- 9) Notice of Proposal Published in Illinois Register: October 6, 1995, 19 Ill. Reg. 13707
- 10) Has JCAR issued a Statement of Objections to this amendment? No
- 11) Difference(s) between proposal and final version:
 - a) Section 6302.20 - Four lines up from the bottom change "3-101" to "3". Three lines up from the bottom change "4-101" to "4".
 - b) Section 6302.30 - In the definition of Salary, on the second line change "the" to "a". On the third line a comma has been deleted following "municipality".
 - c) Section 6302.35(b) - On the third and fourth line the commas have been deleted, but a comma has been added following "Certification".
 - d) Section 6302.35(c) - On the second line "or not" has been deleted. On the third line the comma following "off" has been deleted.
 - e) Section 6302.35(g) - On the third line a comma has been deleted following "salary". On the fourth line "(1)" has been deleted.

DEPARTMENT OF INSURANCE
NOTICE OF ADOPTED AMENDMENTS

- f) Section 6302.40(a) - On the first line "or" has been added.
- g) Section 6302.40(b) - Change "reoccurring" to "recurring".
- h) Section 6302.60(a) has been rewritten as follows: "Whether compensation for accumulated but unused vacation, sick, personal, or compensation time (any other time earned by the employee, but unused at the time of termination of employment or retirement) is considered salary will be determined by the date of retirement or disability."
- i) Section 6302.60(b) - On the second line delete "it is then" and add "the compensation received for that time will be" in lieu thereof.
- j) Section 6302.60(c) - On the third line delete the comma following "leave".
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of rulemaking: The Public Pension Division of the Department of Insurance is defining "salary" for the determination of contributions made to pension funds on behalf of employees. Additionally, Section 6302.40 specifies what "salary" is not so that consistent standards will be utilized by all pension funds.
- 16) Information and questions regarding this adopted amendment shall be directed to:
Mike Blankenship
Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 782-1779

The full text of the Adopted Amendments begins on the next page.

ILLINOIS REGISTER 5840 96

DEPARTMENT OF INSURANCE
NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER 1ff: PENSIONS

PART 6302	
DEFINITION OF SALARY	
Section	Authority
6302.10	Purpose and Scope
6302.20	Definitions Salary-Contributions-and-Pension-Computations
6302.30	Salary for Pension Purposes
6302.35	Non-Salary Compensation Items-Not-Included-in-Salary
6302.40	Retroactive Pay Increases Longevity-Pay
6302.50	Accumulated Unused Time at Retirement or Disability
6302.60	

AUTHORITY: Implementing and authorized by Section 22-501.1 of the Illinois Pension Code [40 ILCS 5/22-501.1].

SOURCE: Adopted at 3 Ill. Reg. 15, p. 104, effective April 9, 1979; codified at 6 Ill. Reg. 14844; amended at 13 Ill. Reg. 3801, effective March 15, 1989; amended at 20 Ill. Reg. 5838, effective APR 9 1996.

Section 6302.10 Authority

This Rule is promulgated by the Director of Insurance of the State of Illinois pursuant to Section 22-501.1 of the Illinois Pension Code [40 ILCS 5/22-501.1] ~~that~~ ~~Rev-Stat--1981--ch--100--1/2--par--22-501--1~~ which empowers the Director "...to make reasonable rules and regulations...as may be necessary for making effective and implementing the provisions of the Pension Code..." [40 ILCS 5/1-101 et seq.]. ~~The purpose of this Rule is to define the word "salary" as used in the Rev-Stat--1981--ch--100--1/2--par--22-501--1~~

(Source: Amended at 20 Ill. Reg. 5838, effective APR 9 1996)

Section 6302.20 Purpose and Scope

The purpose of this Part is to define the word "salary" as used in Section 3-125 and 4-124 of the Illinois Pension Code [40 ILCS 5/3-125 and 4-124]. This Part ~~Rule~~ shall apply to all pension, annuity or retirement funds or systems under the authority of Articles 3 and 4 of the Illinois Pension Code [40 ILCS 5/3-101 and 3-104] which are ~~with less than 500 participants~~ not financed in whole or in part by funds of the State of Illinois.

(Source: Amended at 20 Ill. Reg. 5838, effective APR 9 1996)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Section 6302.30 Definitions Salary-Contributions-and-Pension-Computations

~~if the municipality's appropriation ordinance assigns a salary to a policeman or fireman's rank that salary as regularly received by the policeman or fireman shall be used to determine salary contributions and pension computations; otherwise salary shall include all regularly received salary attached to rank; the word "rank" is not limited to civil service ranks but includes all specialty ranks such as~~

Class, for purposes of this Part, means a subset of individuals in a particular rank (i.e., Patrol versus Administration). Class may also be signified by the devotion of compensation for education or other work-related achievements.

Fixed, for purposes of this Part, means a payment in a predetermined amount which can be determined through an examination of the appropriation ordinance, plans or agreements establishing salary.

Rank, for purposes of this Part, means the employee's official position, including but not limited to Civil Service Rank, Ranks established by the Police or Fire Commission, "Detective," "Juvenile Officer," "Special Instructor," "Shift Commander," "Training Officer," "Chief," "Emergency Medical Technician" (E.M.T.), "Paramedic," "Range Officer," and "Mechanic," etc., as well as classifications devoting compensation for education and other work-related achievements.

Regular, for purposes of this Part, means a scheduled payment. The schedule may be annually, quarterly, monthly or any other basis.

Salary, for purposes of this Part, means any fixed compensation received by an employee of a municipality that participates in one of the pension funds established under Article 3 or 4 of the Illinois Pension Code, which has been approved through an appropriations ordinance of the municipality. Salary is received regularly and is attached to the rank or class to which the firefighter or police officer is assigned.

(Source: Amended at 20 Ill. Reg. 5838, effective APR 4 1996)

Section 6302.35 Salary for Pension Purposes

All salary, as defined in Section 6302.30 of this Part, shall be used in pension computations for purposes of determining the correct amount of employee contributions. The following types of pay are considered salary, in accordance with the definition in Section 6302.30:

a) Base Pay

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

The basic salary attached to rank which is specified in the bargaining contract, municipal pay plan or any other document which establishes salary.

b) Education Pay
Additional compensation for attaining certain levels of academic and professional training, such as an associate or bachelor's degree or attainment of firefighters certification or firearm certification, or any other pay given for designated educational achievement.

c) Holiday Pay
Additional compensation paid regardless of whether the employee must work on the holiday, unless there is an option, such as time off in lieu of cash compensation.

d) Longevity
Additional pay received after the employee has attained a specified number of years of service. This pay may be received with regular salary or in one or more lump sum payments during the year. When paid in a lump sum, the amount should be prorated to determine the monthly equivalent to compute all pension contributions and benefits.

e) Overtime Pay
Compensation for time worked beyond the regular work hours, which is already included in the regular salary attached to that rank or class.

f) Specialty Rank
Compensation for services performed in positions beyond the basic rank, such as detective, juvenile officer, special instructor, shift commander, training officer, chief, emergency medical technician, paramedic, range officer or mechanic.

g) Temporary Pay
Compensation received for temporarily performing the duties of a higher rank or specialty rank. This is to be considered salary only if the temporary position has lasted for a continuous period of more than one year. After temporary pay has been received for one continuous year of service in that position, the amount is considered attached to rank and then becomes salary for purposes of pension computation.

(Source: Added at 20 Ill. Reg. 5838, effective APR 4 1996)

Section 6302.40 Non-Salary Compensation Items-Not-Included-in-Salary

For purposes of calculating pension contributions and pension benefits, the following categories of pay shall not be considered compensation:

a) Accumulated Unused Time
Compensation for unused accumulated vacation, sick, or personal time earned during employment, regardless of whether the compensation is received during employment or after termination.

b) Awards

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Compensation for an extraordinary deed or accomplishment, which is not recurring in nature.

- c) Automobile Allowance
Compensation for the use of the employee's personal automobile.

- d) Food Allowance

Compensation for the purchase of meals while performing the duties required.

- e) Housing Allowance

Compensation received for the purpose of providing housing, in whole or in part. The method of providing the housing, such as renting or purchasing, is irrelevant.

- f) Merit Pay

Compensation which is neither fixed in amount or determined by a reviewing bargaining agreement or pay plan, nor added into the salary for determining future increases.

- g) Overtime Pay

Compensation paid for working more than the regular hours specified in the contract or pay plan.

- h) Shift Differential

Compensation for working a second or third shift, in addition to the salary attached to that rank or class.

- i) Temporary Pay

Compensation received for temporarily performing the duties of a higher rank or specialty rank position shall not be considered salary unless and until this compensation has been received continually for one full year.

- j) Uniform Allowance

Compensation received as reimbursement or payment for the purchase of necessary uniforms and equipment for use in the performance of the required duties. This compensation may be paid as reimbursement or as a fixed amount, regardless of the actual amount expended.

the following shall not be included in salary unless established by the appropriation ordinance:

- a) Back pay or other salary earned as a result of working more than the regular working hours.

- b) Holiday pay when it is distinguishable as an addition to salary regularly received or is an additional amount paid only to persons who actually worked on a designated holiday.

- c) Temporary pay. This is the additional salary earned while filling in on a temporary basis for an employee of a higher rank or position who is absent or otherwise separated from service. However, where an employee has served in a temporary assignment continuously for more than one year, such assignment shall be considered the same as a specialty rank. (See Section 6302.60 for examples of specialty rank for pension contributions and benefits.)

- d) Reimbursements for participant expenses incurred such as food allowance or uniform allowance.

- e) Lump-sum payments which are in addition to regular salary attached to

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

rank--for--such--things--as--earned--vacation--compensatory--time--sick--days--or--other--personal--leave--days.

- f) Lump-sum bonuses of a non-recurring nature which may be paid for extraordinary deeds or accomplishments.

(Source: Amended at 20 Ill. Reg. 5838, effective APR 9 1996)

Section 6302.50 Retroactive Pay Increases Longevity Pay

- a) Retroactive payments of compensation are treated as if they were paid during the period for which the increase is computed. If an employee retired after the effective date of the salary increase and is entitled to receive retroactive payment of salary, the new salary becomes final salary attached to the rank at the time of retirement and the salary on which the service pension is computed.

- b) Entitlement to retroactive pay is to be determined by the contract or agreement which authorizes the salary increase. Longevity pay, whether paid concurrently with regular salary or in a lump-sum annually, is included in salary. Where longevity pay is paid in a lump-sum annually, it should be prorated to compute the retirement of firemen or disabled policemen.

(Source: Amended at 20 Ill. Reg. 5838, effective APR 9 1996)

Section 6302.60 Accumulated Unused Time at Retirement or Disability

- a) Whether compensation for accumulated but unused vacation, sick, personal, or compensation time (any other time earned by the employee, but unused at the time of termination of employment or retirement) is considered salary will be determined by the date of retirement or disability.

- b) If the employee remains on the payroll and uses the time, the compensation received for that time will be considered salary for purposes of computing pension contributions and benefits.

- c) If the employee is removed from the payroll by virtue of leaving employment or being placed on disability leave while accumulated time remains unused, then the lump-sum compensation received by the employee for that time is not considered salary for purposes of computing pension contributions and benefits.

- d) In the instance where a municipality acts contrary to its stated policy, then there must be a written agreement between the municipality and the participant which states that the participant may remain on the payroll until the entire amount due has been paid, without these payments being considered salary for purposes of computing pension contributions or benefits.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 20 Ill. Reg. 5838 - effective 4/24/96)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Surplus Line Business Requirements
- 2) Code Citation: 50 Ill. Adm. Code 2801
- 3) Section Number: Adopted Action:
 2801.30 Amendment
 2801.100 Amendment
 2801.ILLUSTRATION A Amendment
- 4) Statutory Authority: Implementing Section 445 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/445 and 401].
- 5) Effective Date of Amendment: April 9, 1996
- 6) Does this amendment contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: April 9, 1996
- 9) Notice of Proposal Published in Illinois Register: October 13, 1995, 19 Ill. Reg. 14232
- 10) Has JCAR issued a Statement of Objections to this amendment? No
- 11) Difference(s) between proposal and final version:
 - a) Section 2801.30(a)(1) - On the last line delete the comma following "companies" and add a semi-colon following "the Code)".
 - b) Section 2801.100(a) - On the second line delete "AN ACT relating to the investigation and prevention of fire" and add "the Fire Investigation Act" in lieu thereof.
 - c) Section 2801.ILLUSTRATION A - In the last full paragraph on the fourth line add a comma following "not" and on the next line delete the comma following "does". Also change "meet" to "Meet".
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements to change the Department's proposal was made with JCAR.
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of rulemaking: The purpose of this Part is to

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT(S)

implement Section 445 of the Illinois Insurance Code which sets forth licensing requirements for surplus lines producers that place policies or contracts of insurance with companies not authorized to do business in Illinois. The rule will be amended to reflect the increase (from \$5,000,000 to \$15,000,000) in minimum policyholders' surplus required by P.A. 88-627, effective September 9, 1994.

16) Information and questions regarding this adopted amendment shall be directed to:

Cindy Stephenson
Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 782-1785

The full text of the Adopted Amendments begins on the next page.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER 99: FINAL PROVISIONS

PART 2801
SURPLUS LINE BUSINESS REQUIREMENTS

Section	Policies or Contracts of Insurance
2801.10	License Expiration
2801.20	Unauthorized Companies
2801.30	Maintenance of Funds in Illinois
2801.40	Procurement of Policies or Contracts
2801.50	Record of Efforts to Procure Policies or Contracts
2801.60	Declinations of Artificial Coverage not Acceptable
2801.70	Surplus Line Association of Illinois
2801.80	Separate Records and Accounts
2801.90	License Rejection or Renewal Refusal
2801.100	Service of Process
2801.110	Required Surplus Line Policy Notice
2801.120	Taxes
2801.130	Classes not Subject to Surplus Line Law
2801.140	ILLUSTRATION A Written Warning to Insureds

AUTHORITY: Implementing Section 445 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/445 and 401].

SOURCE: Filed July 11, 1958; codified at 7 Ill. Reg. 897; amended 8th 12 Ill. Reg. 11754, effective July 1, 1988; amended at 20 Ill. Reg. 3846, effective APR 9 1996.

Section 2801.30 Unauthorized Companies

- a) A surplus line producer may procure insurance from an unauthorized company:
- 1) Which based upon information available to the surplus line producer has a policyholders' surplus of not less than \$15,000,000 55-000-000 determined in accordance with accounting rules as set forth in the Illinois Insurance Code which are applicable to authorized companies (Section 445 of the Code); and
 - 2) which has standards of solvency and management which are adequate for the protection of policyholders (Section 445 of the Code).
- b) Information available to the surplus line producer at the time of procurement includes financial information published by the unauthorized company, the financial information and quarterly listing of alien insurers published by the National Association of Insurance Commissioners' Non-Admitted Insurers Office and information published

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT(S)

by Best's Insurance Reports or other independent market reporting agencies.

- c) In determining whether the standards of solvency and management of an unauthorized company at the time of procurement are such that meet requirements necessary for the protection of policyholders, the surplus line producer shall consider the financial condition of the company, the ready acceptance of the company in responsible commercial markets, the general reputation of the company, and the company's past and current performance of its obligations.
- d) When an unauthorized company does not meet the standards set forth in subsection (a)(1) or (a)(2) of this Section or a surplus line producer is unable to verify such facts, the surplus line producer may procure insurance from that company only if prior written warning of such fact or condition is given to the insured by the insurance producer or surplus line producer. Evidence of the warning and its delivery shall be maintained by the insurance producer and surplus line producer, together with the evidence of coverage. Such written warning shall be in a form substantially similar to the sample warning set forth in Illustration A of this Part.
- e) If the Director at any time determines that the further assumption of risks might be hazardous to the policyholders of an unauthorized company, the Director shall order the Surplus Line Association of Illinois not to countersign insurance contracts evidencing insurance in such company. Said determination will be made by examining the criteria contained in the Illinois Insurance Code for authorized companies. In such event the Director shall also direct all surplus line producers to cease procuring insurance from such company.

(Source: Amended at 20 Ill. Reg. 5846, effective APR 4 1996)

Section 2801.100 License Rejection or Renewal Refusal

Application for a surplus line producer license shall be rejected, or renewal thereof refused, for failure:

- a) To pay the tax required by Section 445 of the Illinois Insurance Code and by Section 12 of the Fire Investigation Act [425 ILCS 25/12] ~~when Act--relating--to-the-investigation-and-prevention-of-fire--title--Rev. Stat--1987--Ch--127--1-27--Par--167; or~~
- b) to pay the annual license fee to the Director of Insurance pursuant to Section 445(2)(b) of the Code; or
- c) to maintain the surety bond required by Section 445; or
- d) to pay the fee due the Surplus Line Association; or
- e) to exert diligent effort to secure the business required by an insured in duly authorized companies; or
- f) to procure surplus line policies or contracts or coverage from companies that have at least \$15,000,000 ~~55,000,000~~ in policyholders surplus and have the standards of solvency or management necessary for

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT(S)

- g) the protection of policyholders; or
- h) to process all surplus line business on Illinois risks through the Surplus Line Association; or
- i) to maintain records and accounts pursuant to Section 445 of the Code; or
- j) to maintain membership in the Surplus Line Association of Illinois; or
- k) to comply with the requirements of the Illinois Insurance Code or 50 Ill. Adm. Code.

(Source: Amended at 20 Ill. Reg. 5846, effective APR 4 1996)

DEPARTMENT OF INSURANCE
NOTICE OF ADOPTED AMENDMENT(S)

Section 2801. ILLUSTRATION A Written Warning to Insureds

TO: _____

RE: (Name of Unauthorized Company)
(Type of Coverage)

In accordance with Section 445 of the Illinois Insurance Code, I hereby provide you with a written WARNING that the above-captioned unauthorized company with which I propose to place the captioned coverage does not, or I am unable to verify that it does (checked as applicable):

- Have a policyholder surplus of \$15,000,000 \$57,000,000 or more;
- Meet ~~meet~~ minimal standards of solvency and management which are adequate for your protection.

Sincerely,

(Source: Amended at 20 Ill. Reg. 5846, effective
ADE 4 10 7)

DEPARTMENT OF PROFESSIONAL REGULATION
NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Illinois Professional Land Surveyor Act of 1989

2) Code Citation: 68 Ill. Adm. Code 1270

3) Section Numbers: Adopted Action:
1270.APPENDIX A New Section

4) Statutory Authority: Implementing Section 6 of the Land Survey Monuments Act [765 ILCS 220/6] and authorized by Section 6 of the Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330/6].

5) Effective Date of Amendments: April 3, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: April 2, 1996

9) Date Notice of Proposal Published in Illinois Register: January 19, 1996, at 20 Ill. Reg. 1118.

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Difference(s) between proposal and final version: Additional data for monument records set forth in Section 1270.APPENDIX A, subsection (d), of the proposed amendments were changed from requirements to recommendations. Style and form changes also were made to improve clarity.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace an Emergency Amendment currently in effect? No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: The Land Survey Monuments Act [765 ILCS 220] requires a licensed land surveyor to record a monument record when he/she conducts a survey that uses as a control corner any public land survey monument, or when he/she establishes, re-establishes, restores or rehabilitates any public land survey monument, except when there exists a monument record and the monument is found as described in the record. This rulemaking adds an appendix to the rules for the Illinois Professional Land Surveyor Act of 1989, setting forth standards for the perpetuation of monuments by licensed land surveyors.

16) Information and questions regarding this amended part shall be directed

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

to:

Department of Professional Regulation
 Attention: Jean Courtney
 320 West Washington, 3rd Floor
 Springfield, Illinois 62786
 217/785-0813 Fax: 217/782-7645

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1270

ILLINOIS PROFESSIONAL LAND SURVEYOR ACT OF 1989

Section 1270.5	Application for Licensure as a Professional Land Surveyor-in-Training by Examination
1270.10	Application for Licensure as a Professional Land Surveyor by Examination
1270.13	Experience
1270.15	Definition of Related Science
1270.20	Examinations
1270.30	Endorsement
1270.35	Inactive Status
1270.40	Restoration
1270.45	Corporations and Partnerships
1270.50	Renewals
1270.55	Land Surveyor Complaint Committee
1270.60	Granting Variances
APPENDIX A	Rules for the Perpetuation of Monuments Under the Land Survey Monuments Act

AUTHORITY: Implementing the Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Land Surveyors Act, effective April 27, 1967; 2 Ill. Reg. No. 50, page 64, effective December 11, 1978; codified and amended at 5 Ill. Reg. 11039; 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; emergency amendment at 8 Ill. Reg. 5365, effective April 12, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15485, effective August 10, 1984; amended at 11 Ill. Reg. 1615, effective January 6, 1987; amended at 11 Ill. Reg. 4763, effective March 10, 1987; recodified from Chapter I, 68 Ill. Adm. Code 270 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1270 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2950; amended at 15 Ill. Reg. 5258, effective April 2, 1991; amended at 16 Ill. Reg. 15548, effective September 28, 1992; amended at 18 Ill. Reg. 5900, effective April 5, 1994; amended at 18 Ill. Reg. 14730, effective September 19, 1994; amended at 19 Ill. Reg. 16071, effective November 17, 1995; amended at 20 Ill. Reg. 5852, effective APR 9 1996.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

Section 1270. APPENDIX A Rules for the Perpetuation of Monuments Under the Land Survey Monuments Act

- a) The Land Survey Monuments Act [765 ILCS 220] requires a licensed land surveyor to record a monument record when he/she conducts a survey that uses as a control corner any public land survey monument, or when he/she establishes, re-establishes, restores or rehabilitates any public land survey monument, except when there exists a monument record and the monument is found as described in the record. All licensed land surveyors who conduct surveys pursuant to the Land Survey Monuments Act shall comply with standards set forth in this Section. Violation of the Land Survey Monuments Act shall be considered a Class A misdemeanor pursuant to Section 11 of the Act.
- b) Every section corner and quarter section corner is a public land survey monument. The monumentation of other points resulting from the subdivision of a section is not a requirement of the Act. Only when a public land survey monument is used for making a survey is recording of a monument record a requirement of the Act. The licensed land surveyor may utilize information from previous surveys providing it is sufficient to locate, establish or re-establish the public land survey monument and is adequate for preparing the monument record.
- c) A monument record means a written and illustrated document describing the physical appearance of a survey monument and its accessories. The monument record shall be presented and recorded in accordance with the following specifications:
- 1) It shall have an overall width of 8 1/2 inches and an overall length of 11 inches.
 - 2) It shall have a clear one-half inch border on the top, bottom and both sides.
 - 3) A 3" x 5" block in the upper right corner shall be reserved for the use of the County Recorder of Deeds.
 - 4) Paper on which the form is printed shall have a minimum rag content of 25 percent and shall be 20 pound weight.
 - 5) The height of lettering or typing shall be one tenth of an inch and shall have a clarity suitable for microfilming and reproducing. A maximum of 4 sheets may be used as one document.
 - 6) There shall be no more than 4 monuments shown on each record and all monuments must be for a common section.
 - 7) The surveyor may show geodetic position or other information at his/her option, providing it does not detract from the clarity of the requirements of the monument record.
 - 8) The drawing shall be orientated with North at the top of the form.
 - 9) The monument record shall be recorded at the time of recording the survey if the survey is placed on record, but in no case more than 40 days after the survey is completed.
 - 10) Each monument record shall describe at least 3 accessories or reference points.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- 1) All monument records shall be signed by a licensed land surveyor or by the chief of a survey party in an agency of the United States government.
- d) It is recommended that, in addition to the monument record requirements set forth above, additional data to add to the monument record to aid in future recovery may include the following:
- 1) the company's job number of the survey project;
 - 2) the date the survey plat was completed;
 - 3) the name of the firm, surveyor's name and field book with page number;
 - 4) distances and bearings to the nearest quarter or section corner monument;
 - 5) general location of ties (i.e., in ditch line, 5' east of edge of pavement, etc.);
 - 6) the amount of cover, if any, over the monument;
 - 7) the proper or government township name;
 - 8) that distances are slope or horizontal;
 - 9) any known history of the monument (e.g., the monument was shown on a plat of survey by Super Surveyors, Inc., dated August 16, 1937, and recorded in Surveyors Book 2, page 29, in the County Recorder's Office).
- e) The Land Survey Monuments Act states that a monument shall be in such a physical condition that it remains as permanent a monument as is reasonably possible and, if practical, the Illinois license number of the land surveyor who records the monument record shall be affixed securely to the top of the monument at the public land survey corner. When it is not practical to affix the land surveyor's Illinois license number on the monument, the number may be affixed to one of the reference points.
- f) As a minimum the monument must be a standard weight steel pipe, one-half inch diameter, 30 inches long or a solid steel rod one-half inch diameter, 30 inches long.
- g) Should the monument fall on a concrete surface, a survey marker permanently anchored into the concrete is acceptable. Should a stone be found and the size is such to make it reasonably permanent, it should remain and ferrous material be placed over or adjacent to the monument to facilitate its recovery.
- h) Pursuant to Section 3.04 of the Land Survey Monuments Act, "accessory" is defined as any physical evidence in the vicinity of a survey monument or position thereof, the relative position of which is of public record and which is used to perpetuate the location of the monument.... Ties are considered accessories.
- 1) If monument record ties are found to have a questionable future, make an effort to establish permanent ties and file a new monument record.
 - 2) In an area void of nearby physical tie points, resort to angular ties such as building corners, the centers or faces of chimneys, steeples, water towers or other structures.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

3) A description of a tie point shall be as specific as possible and may include such things as:

- A) The exact location on a right of way marker or other square shaped tie, such as apex, northeast corner or center of east face at ground level;
- B) Chiseled cross on northwest cap bolt of hydrant;
- C) Back of concrete curb at joint of radius return;
- D) Chiseled cross on south side of rim on sanitary sewer manhole;
- E) Southwest corner of concrete foundation; or
- F) Punch mark on top of west end of 15 inch corrugated metal pipe culvert.

i) Other considerations when conducting a survey to establish a monument record:

- 1) Lower the monument if it appears to be in danger of being destroyed due to grading, road improvement, cultivation, etc.
- 2) Make an attempt to contact adjoining property owners to ascertain if the monument is generally recognized and accepted to be the corner in question.
- 3) Make an attempt to show the adjoining property owners, road commissioner or highway official the location of the monument and supply them with a copy of the monument record for future use.
- 4) Maintain respect for private property. Do not paint or put nails in or survey ribbon on private property without permission.

j) The Department is cognizant of the long range public benefit derived by the perpetuation of the public land survey monuments. The Act has no provision that would exempt a particular type of survey from complying with the Act if a public land survey monument is used. Therefore, strict adherence is a legal requirement.

(Source: Added at 20 Ill. Reg. _____, effective APR 3, 1996) **5852**

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Adopted Action:
140.490 Amendment
140.491 Amendment
140.492 Amendment
140.493 New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: April 5, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 5, 1996
- 9) Notice of Proposal Published in Illinois Register: December 8, 1995 (19 Ill. Reg. 16134)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: The following changes have been made in the proposed amendments.
Section 140.490
In subsections (a)(1), (2), (3), (4) and (5), "State" has been changed to "state".
In subsection (a)(1), after the first sentence, the following language has been added:
Out-of-state ambulance providers who provide services within Illinois must be in compliance with the EMS Systems Act [210 ILCS 50].

Section 140.491

In subsection (b)(4), "AN EMERGENCY MAY INCLUDE, BUT IS NOT LIMITED TO:" has been changed to "An emergency may include, but is not limited to:".

Section 140.493

Subsection (e) has been relabeled as subsection (f) and a new subsection

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

(e) has been added as follows:

- e) The Department shall not cover the services of helicopter transportation providers that have entered into payment agreements with receiving facilities.

No other changes have been made in the text of the proposed amendments.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these Amendments replace Emergency Amendments currently in effect?
No

- 14) Are there any Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
140.7	Amendment	August 25, 1995 (19 Ill. Reg. 12210)
140.9	Amendment	August 25, 1995 (19 Ill. Reg. 12210)
140.24	Amendment	February 9, 1996 (20 Ill. Reg. 2346)
140.55	New Section	January 62, 1996 (20 Ill. Reg. 1466)
140.400	Amendment	February 9, 1996 (20 Ill. Reg. 2346)
140.435	Amendment	February 9, 1996 (20 Ill. Reg. 2346)
140.523	Amendment	January 19, 1996 (20 Ill. Reg. 1146)
140.539	Amendment	April 12, 1996 (20 Ill. Reg. 5448)
140.570	Amendment	December 22, 1995 (19 Ill. Reg. 16778)
140.642	Amendment	March 22, 1996 (20 Ill. Reg. 4531)

- 15) Summary and Purpose of Amendments: These amendments add coverage for helicopter services to the Department's Medical Assistance Program because of the recognition that helicopter services sometimes constitute a medical necessity. There has been an increasing use of helicopters for purposes of critical medical transportation. The Department has provided some coverage exceptions during the past year. These amendments place a consistent policy on the use of helicopters into the Department's administrative rules. The amendments contain requirements concerning helicopter providers who may be covered, the medical necessity of services and reimbursement provisions. The amendments also specify that payment for these services shall not exceed the Medicare allowable rates or the rates charged to the general public.

The increase in Department expenditures for the coverage of helicopter services is expected to be approximately \$450,000 per year. This projection is based upon payment and utilization data which indicate a probable usage level of 300 trips at a maximum per trip rate of \$1,500.

- 16) Information and questions regarding these Adopted Amendments shall be

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, IL 62762
(217) 524-0081

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section
140.1 Incorporation By Reference
140.2 Medical Assistance Programs
140.3 Covered Services Under Medical Assistance Programs
140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5 Covered Medical Services Under General Assistance
140.6 Medical Services Not Covered
140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.8 Medical Assistance For Qualified Severely Impaired Individuals
140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section
140.11 Enrollment Conditions for Medical Providers
140.12 Participation Requirements for Medical Providers
140.13 Definitions
140.14 Denial of Application to Participate in the Medical Assistance Program
140.15 Recovery of Money
140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18 Effect of Termination on Individuals Associated with Vendor
140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20 Submittal of Claims
140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
140.22 Magnetic Tape Billings
140.23 Payment of Claims
140.24 Payment Procedures
140.25 Overpayment or Underpayment of Claims
140.26 Payment to Factors Prohibited

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.27 Assignment of Vendor Payments
140.28 Record Requirements for Medical Providers
140.30 Audits
140.31 Emergency Services Audits
140.32 Prohibition on Participation, and Special Permission for Participation
140.33 Publication of List of Terminated, Suspended or Banned Entities
140.35 False Reporting and Other Fraudulent Activities
140.40 Prior Approval for Medical Services or Items
140.41 Prior Approval in Cases of Emergency
140.42 Limitation on Prior Approval
140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained
140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice
140.72 Voucher Advance Payment and Expedited Payments
140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

Section
140.80 Hospital Provider Fund
140.82 Developmentally Disabled Care Provider Fund
140.84 Long Term Care Provider Fund
140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund
140.95 Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.96 Hospital Services Trust Fund
140.97 General Requirements (Recodified)
140.98 Special Requirements (Recodified)
140.99 Covered Hospital Services (Recodified)
140.100 Hospital Services Not Covered (Recodified)
140.101 Limitation On Hospital Services (Recodified)
140.102 Transplants (Recodified)
140.103 Heart Transplants (Recodified)
140.103 Liver Transplants (Recodified)
140.104 Bone Marrow Transplants (Recodified)
140.110 Disproportionate Share Hospital Adjustments (Recodified)
140.116 Payment for Inpatient Services for CA (Recodified)
140.117 Hospital Outpatient and Clinic Services (Recodified)
140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203 Limits on Length of Stay by Diagnosis (Recodified)
140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350 Copayments (Recodified)
140.360 Payment Methodology (Recodified)
140.361 Non-Participating Hospitals (Recodified)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.362	Pre July 1, 1989 Services (Recodified)
140.363	Post June 30, 1989 Services (Recodified)
140.364	Prepayment Review (Recodified)
140.365	Base Year Costs (Recodified)
140.366	Restructuring Adjustment (Recodified)
140.367	Inflation Adjustment (Recodified)
140.368	Volume Adjustment (Repealed)
140.369	Groupings (Recodified)
140.370	Rate Calculation (Recodified)
140.371	Payment (Recodified)
140.372	Review Procedure (Recodified)
140.373	Utilization (Repealed)
140.374	Alternatives (Recodified)
140.375	Exemptions (Recodified)
140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391	Definitions (Recodified)
140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.398	Hearings (Recodified)
SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES	
Section	
140.400	Payment to Practitioners, Nurses and Laboratories
140.410	Physicians' Services
140.411	Covered Services By Physicians
140.412	Services Not Covered By Physicians
140.413	Limitation on Physician Services
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
140.416	Optometric Services and Materials
140.417	Limitations on Optometric Services
140.418	Department of Corrections Laboratory
140.420	Dental Services
140.421	Limitations on Dental Services
140.422	Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists
140.425	Podiatry Services
140.426	Limitations on Podiatry Services
140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
140.428	Chiropractic Services
140.429	Limitations on Chiropractic Services (Repealed)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.430	Independent Laboratory Services
140.431	Services Not Covered by Independent Laboratory
140.432	Limitations on Independent Laboratory Services
140.433	Payment for Laboratory Services
140.434	Record Requirements for Independent Laboratories
140.435	Nurse Services
140.436	Limitations on Nurse Services
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Legend Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
140.447	Reimbursement
140.448	Returned Pharmacy Items
140.449	Payment of Pharmacy Items
140.450	Record Requirements for Pharmacies
140.452	Mental Health Clinic Services
140.453	Definitions
140.454	Types of Mental Health Clinic Services
140.455	Payment for Mental Health Clinic Services
140.456	Hearings
140.457	Therapy Services
140.458	Prior Approval for Therapy Services
140.459	Payment for Therapy Services
140.460	Clinic Services
140.461	Clinic Participation, Data and Certification Requirements
140.462	Covered Services in Clinics
140.463	Clinic Service Payment
140.464	Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)
140.465	Speech and Hearing Clinics (Repealed)
140.466	Rural Health Clinics
140.467	Independent Clinics
140.469	Hospice
140.470	Home Health Services
140.471	Home Health Covered Services
140.472	Types of Home Health Services
140.473	Prior Approval for Home Health Services
140.474	Payment for Home Health Services
140.475	Medical Equipment, Supplies and Prosthetic Devices
140.476	Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made
140.477	Limitations on Equipment, Supplies and Prosthetic Devices
140.478	Prior Approval for Medical Equipment, Supplies and Prosthetic Devices
140.479	Limitations, Medical Supplies
140.480	Equipment Rental Limitations
140.481	Payment for Medical Equipment, Supplies and Prosthetic Devices

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.482	Family Planning Services
140.483	Limitations on Family Planning Services
140.484	Payment for Family Planning Services
140.485	Healthy Kids Program
140.486	Limitations on Medichesk Services (Repealed)
140.487	Healthy Kids Program Timeliness Standards
140.488	Periodicity Schedule, Immunizations and Diagnostic Laboratory Procedures
140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
140.493	Payment for Helicopter Transportation
140.495	Psychological Services
140.496	Payment for Psychological Services
140.497	Hearing Aids
SUBPART E: GROUP CARE	
Section	
140.500	Long Term Care Services
140.502	Cessation of Payment at Federal Direction
140.503	Cessation of Payment for Improper Level of Care
140.504	Cessation of Payment Because of Termination of Facility
140.505	Continuation of Payment Because of Threat To Life (Repealed)
140.506	Provider Voluntary Withdrawal
140.507	Continuation of Provider Agreement
140.510	Determination of Need for Group Care
140.511	Long Term Care Services Covered by Department Payment
140.512	Utilization Control
140.513	Utilization Review Plan (Repealed)
140.514	Certifications and Recertifications of Care
140.515	Management of Recipient Funds--Personal Allowance Funds
140.516	Recipient Management of Funds
140.517	Correspondent Management of Funds
140.518	Facility Management of Funds
140.519	Use or Accumulation of Funds
140.520	Management of Recipient Funds--Local Office Responsibility
140.521	Room and Board Accounts
140.522	Reconciliation of Recipient Funds
140.523	Bed Reserves
140.524	Cessation of Payment Due to Loss of License
140.525	Quality Incentive Program (QUIP) Payment Levels
140.526	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)
140.527	Quality Incentive Survey (Repealed)
140.528	Payment of Quality Incentive (Repealed)
140.529	Reviews (Repealed)
140.530	Basis of Payment for Long Term Care Services

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.531	General Service Costs
140.532	Health Care Costs
140.533	General Administration Costs
140.534	Ownership Costs
140.535	Costs for Interest, Taxes and Rent
140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
140.538	Special Costs
140.539	Nurse's Aide Training and Testing
140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541	Salaries Paid to Owners or Related Parties
140.542	Cost Reports-Filing Requirements
140.543	Time Standards for Filing Cost Reports
140.544	Access to Cost Reports (Repealed)
140.545	Penalty for Failure to File Cost Reports
140.550	Update of Operating Costs
140.551	General Service Costs
140.552	Nursing and Program Costs
140.553	General Administrative Costs
140.554	Component Inflation Index
140.555	Minimum Wage
140.560	Components of the Base Rate Determination
140.561	Support Costs Components
140.562	Nursing Costs
140.563	Capital Costs
140.565	Kosher Kitchen Reimbursement
140.566	Out-of-State Placement
140.567	Level II Incentive Payments (Repealed)
140.568	Duration of Incentive Payments (Repealed)
140.569	Clients With Exceptional Care Needs
140.570	Capital Rate Component Determination
140.571	Capital Rate Calculation
140.572	Total Capital Rate
140.573	Other Capital Provisions
140.574	Capital Rates for Rented Facilities
140.575	Newly Constructed Facilities (Repealed)
140.576	Renovations (Repealed)
140.577	Capital Costs for Rented Facilities (Renumbered)
140.578	Property Taxes
140.579	Specialized Living Centers
140.580	Mandated Capital Improvements (Repealed)
140.581	Qualifying as Mandated Capital Improvement (Repealed)
140.582	Cost Adjustments
140.583	Campus Facilities
140.584	Illinois Municipal Retirement Fund (IMRF)
140.590	Audit and Record Requirements
140.642	Screening Assessment for Long Term Care and Alternative Residential

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

140.907 Midnight Census Report (Recodified)
140.908 Times and Staff Levels (Recodified)
140.909 Statewide Rates (Recodified)
140.910 Referrals (Recodified)
140.911 Basic Rehabilitation Aide Training Program (Recodified)
140.912 Interim Nursing Rates (Recodified)
140.920 General Description
140.922 Covered Services
140.924 Maternal and Child Health Provider Participation Requirements
140.926 Client Eligibility (Repealed)
140.928 Client Enrollment and Program Components (Repealed)
140.930 Reimbursement
140.932 Payment Authorization for Referrals (Repealed)

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT
EQUITY (ICARE) PROGRAM

Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
Definition of Terms (Recodified)
Notification of Negotiations (Recodified)
Hospital Participation in ICARE Program Negotiations (Recodified)
Negotiation Procedures (Recodified)
Factors Considered in Awarding ICARE Contracts (Recodified)
Closing an ICARE Area (Recodified)
Administrative Review (Recodified)
Payments to Contracting Hospitals (Recodified)
Admitting and Clinical Privileges (Recodified)
Inpatient Hospital Care or Services by Non-Contracting Hospitals
Eligible for Payment (Recodified)
Payment to Hospitals for Inpatient Services or Care not Provided
under the ICARE Program (Recodified)
Contract Monitoring (Recodified)
Transfer of Recipients (Recodified)
Validity of Contracts (Recodified)
Termination of ICARE Contracts (Recodified)
Hospital Services Procurement Advisory Board (Recodified)

Section
140.940

140.942
140.944
140.946
140.948
140.950
140.952
140.954
140.956
140.958
140.960
140.962
140.964
140.966
140.968
140.970
140.972

Medicheck Recommended Screening Procedures (Repealed)
Health Service Areas
Capital Cost Areas
Schedule of Dental Procedures
Time Limits for Processing of Prior Approval Requests
Podiatry Service Schedule
Travel Distance Standards
Areas of Major Life Activity
Staff Time and Allocation for Training Programs (Recodified)

TABLE A
TABLE B
TABLE C
TABLE D
TABLE E
TABLE F
TABLE G
TABLE H
TABLE I

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

Settings and Services
In-Home Care Program
Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
Reimbursement for Developmental Training (DT) Services for Individuals with Developmental Disabilities Who Reside in Long Term Care (ICF AND SNF) and Residential (ICF/MR) Facilities
Description of Developmental Training (DT) Services
Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
Effective Dates of Reimbursement for Developmental Training (DT) Programs
Certification of Developmental Training (DT) Programs
Decertification of Day Programs
Terms of Assurances and Contracts
Effective Date of Payment Rate
Discharge of Long Term Care Residents
Appeals of Rate Determinations
Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: MEDICAID PARTNERSHIP PROGRAM

General Description (Repealed)
Definition of Terms (Repealed)
Covered Services (Repealed)
Sponsor Qualifications (Repealed)
Sponsor Responsibilities (Repealed)
Department Responsibilities (Repealed)
Provider Qualifications (Repealed)
Provider Responsibilities (Repealed)
Payment Methodology (Repealed)
Contract Monitoring (Repealed)
Reimbursement For Program Costs (Active Treatment) For Clients In Long Term Care Facilities For the Developmentally Disabled (Recodified)

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
Functional Areas of Needs (Recodified)
Service Needs (Recodified)
Definitions (Recodified)
Times and Staff Levels (Repealed)
Statewide Rates (Repealed)
Reconsiderations (Recodified)

Section
140.900
140.901
140.902
140.903
140.904
140.905
140.906

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12582, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2364, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. **5858**, effective APR 5 1996.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.490 Medical Transportation

- a) Payment for medical transportation shall be made to an individual or public or private or not-for-profit transportation carrier who provides the appropriate form of transportation and who bills and receives payment from the general public and other third party payors (except for private autos pursuant to subsection (a)(5)). Eligible providers to be considered for payment include:

1) Ambulance providers who hold a valid license, permit or certification from the state where the business is headquartered or from the Secretary of State (see Section 3-401 of the Illinois Vehicle Title and Registration Law [625 ILCS 5/3-401] ~~§§11-11Rev-Stat--1989--ch--95-1/27--par-3-401~~ and Section 8-101 of the Illinois Vehicle Code [625 ILCS 5/8-101] ~~§§11-11Rev-Stat--1989--ch--95-1/27--par-3-401~~) and pass health/safety inspections annually by the Department of Public Health (see Section 9 of the Emergency Medical Services (EMS) Systems Act [210 ILCS 50/9] ~~§§11-11Rev-Stat--1989--ch-95-1/27--par-5509~~). Out-of-state ambulance providers who provide services within Illinois must be in compliance with the EMS Systems Act [210 ILCS 50]. Vehicles operated by municipalities must meet the certification requirements contained in 77 Ill. Adm. Code 535, Subpart C, by July 1, 1987. The Department will grant exceptions to this

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

requirement if the municipality can demonstrate that the Illinois Department of Public Health has granted a waiver or exception to such requirements.

- 2) Medicar vehicles licensed by the Secretary of State (see Section 3-401 of the Illinois Vehicle Title and Registration Law and Section 8-101 of the Illinois Vehicle Code) or a valid license, permit or certification from the state where the business is headquartered.
 - 3) Taxicabs licensed by the Secretary of State and where applicable by local regulatory agencies (see Section 3-401 of the Illinois Vehicle Title and Registration Law and Section 8-101 of the Illinois Vehicle Code) or a valid license, permit or certification from the state where the business is headquartered.
 - 4) Service cars licensed as livery cars by the Secretary of State and where applicable by local regulatory agencies (see Section 3-401 of the Illinois Vehicle Title and Registration Law and Section 8-101 of the Illinois Vehicle Code) or a valid license, permit or certification from the state where the business is headquartered.
 - 5) Private auto licensed by the Secretary of State (see Section 3-401 of the Illinois Vehicle Title and Registration Law and Section 8-101 of the Illinois Vehicle Code) or a valid license from the state of residence.
 - 6) Helicopter providers who hold a valid license from the State of Illinois issued under the authority of the State of Illinois Department of Public Health, or are licensed in the state where services are provided.
 - 7) Other modes of transportation (bus, train, airplane, etc.).
- b) Payment for medical transportation shall be made when: Transportation is provided to or from a source of medical care. Medical care is defined as any medical service covered under the Medical Assistance program. Transportation will be provided for covered medical services even when the medical service is provided free of charge, such as the Veteran's Administration.
- c) Payment shall not be made for medical transportation when a cost-free means of transportation is available.

(Source: Amended at 20 Ill. Reg. **5858**, effective APR 5 1996)

Section 140.491 Limitations on Medical Transportation

- a) In order for payment to be made, the transportation provided must be to the nearest available and appropriate provider, by the least expensive type which is adequate to meet the individual's need. When public transportation is available and is a practical form of transportation, payment will not be made for a more expensive mode of transportation.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- b) Approval from the Department is required prior to providing transportation to and from the source of medical care, except:
- 1) For transportation provided by an ambulance in emergency situations.

- 2) For individuals residing in a long term care facility.

- 3) For transportation provided by an ambulance for an individual who is transported from one hospital to a second hospital for services not available at the sending hospital.

- 4) For transportation provided by a helicopter when it is demonstrated to be medically necessary as indicated by the written order of the responsible physician in an emergency situation. An emergency may include, but is not limited to:
 - A) life threatening medical conditions;
 - B) severe burns requiring treatment in a burn center;
 - C) multiple trauma;
 - D) cardiogenic shock; and
 - E) high-risk neonates.

- c) When approval is sought for subsequent trips to the same medical service, the client's physician or other medical provider must supply the local office with a brief written statement describing the nature of the need, the necessity for on-going visits, already established appointment dates and the number and expected duration of the required on-going visits. An on-going approval, with a duration of up to six months, may be obtained when subsequent trips to the same medical source are required.

(Source: Amended at 20 Ill. Reg. 5858, effective APR 3 1996)

Section 140.492 Payment for Medical Transportation

Payment for medical transportation services shall be made in accordance with the methodologies outlined in this Section. In no case shall rates exceed the Medicare allowable ~~charge-level~~, where applicable, or the rates charged to the general public.

- a) Medicare shall be paid a base rate, mileage rate and a fixed amount for nonroutine services (e.g., an additional attendant). Loaded miles after ten ~~†~~ miles (~~twenty--~~†20† miles round trip) shall be reimbursed.
- b) Service cars shall be paid a base rate and a mileage rate. Loaded miles after ten ~~†~~ miles (~~twenty--~~†20† miles round trip) shall be reimbursed.
- c) Private autos shall be paid for loaded miles at a mileage rate.
- d) Payment for transportation services provided by common carrier, (e.g., air lines, buses, trains) shall be at the usual community rate. Taxicabs shall be reimbursed at the community rate, if in an area regulated by a municipality or township. Taxicabs in non-regulated areas shall be reimbursed at a rate as determined by the Department.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

This rate will be effective July 1, 1992 and will be reviewed on an annual basis each July.

- e) The Department shall pay for medically necessary ambulance services provided in accordance with Section 140.490 at base, mileage rate (loaded miles) and a rate for oxygen, as appropriate. Payment shall also be made for Advanced Life Support (ALS) at an all inclusive rate which includes the base rate, supplies, and all other services, excluding mileage. However, for ALS services provided on or after July 1, 1993, separate reimbursement shall be made for oxygen when used and appropriately billed. Loaded miles for ALS trips shall be reimbursed at the per mile rate. Rates shall be reviewed beginning November 1, 1986, and each November thereafter, according to the methodology set forth in subsections (e)(1) through (4) of this Section. Revised rates pursuant to this methodology shall be effective with services provided on or after July 1 of the succeeding year.

- 1) Payment shall be made at a basic rate which is provider specific. The basic rate shall be the lesser of the provider's usual and customary charge to the general public (as reflected on the provider's claim form), or 80 percent ~~†~~ of the 50th percentile of the Medicare prevailing charge for Basic Life Support for the designated Medicare Locality, except that any basic rate previously approved by the Department which exceeds these parameters shall remain in force. The rate of annual increase shall not exceed five percent ~~5~~†.

- 2) Payment for loaded miles, i.e., those miles for which the provider is actually transporting an individual, shall be at a rate per mile. If a natural disaster or weather or other conditions necessitate the use of a route other than the most direct route, reimbursement will be based on the actual distance travelled. The rate per mile shall be 50 percent ~~†~~ of the 50th percentile of the Medicare prevailing mileage charge for Medicare Locality 16. The annual rate of increase shall not exceed five percent ~~5~~†.

- 3) Payment for oxygen shall be made at a flat rate statewide. The rate shall be 50 percent ~~†~~ of the 50th percentile of the Medicare prevailing charge for Medicare Locality 16. The annual rate of increase shall not exceed five percent ~~5~~†.

- 4) Payment for Advanced Life Support services shall be at the lesser of the provider's usual charge, or a maximum allowable rate statewide. The maximum rate shall be 80 percent ~~†~~ of the difference between the Medicare 50th percentile prevailing charge for Basic Life Support services and Advanced Life Support services for Medicare Locality 16. The annual rate of increase shall not exceed five percent ~~5~~†.

- f) Payment for medical transportation services provided by individuals, including those currently receiving public assistance, legally responsible relatives, or household members will be made at a loaded

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

mileage rate.

(Source: Amended at 20 Ill. Reg. 5858, effective
APR 5 1996)

Section 140.493 Payment for Helicopter Transportation

Payment for helicopter transportation services shall be made in accordance with the methodologies outlined in this Section. In no case shall rates exceed the Medicare allowable, where applicable, or the rates charged to the general public.

- a) The Department shall pay for medically necessary helicopter transportation services provided in accordance with Section 140.491 at an all inclusive rate which includes base rate, mileage, supplies, and all other services.
- b) Helicopter transportation providers will be reimbursed a maximum rate per trip or the usual and customary charges, whichever is less, if the service is rendered by providers who own the helicopter and provide their own transport team.
- c) If a hospital provides the transport team but does not own the helicopter, the Department will equally divide the established reimbursement rate or the usual and customary charges of the provider, whichever is less, between the hospital and the helicopter provider.
- d) Hospitals that own their own helicopter and report its costs on their cost reports will not be paid for helicopter transportation services.
- e) The Department shall not cover the services of helicopter transportation providers that have entered into payment agreements with receiving facilities.
- f) Helicopter transportation claims that are denied because the patient does not meet the medically necessary criteria (see Section 140.491), but does meet emergency ground transportation criteria, will be reimbursed by the Department at the appropriate ground rate.

(Source: Added at 20 Ill. Reg. 5858, effective
APR 5 1996)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Account Wagering
- 2) Code Citation: 11 Ill. Adm. Code 321
- 3)

Section Number:	Adopted Action:
321.10	New Section
321.20	New Section
321.30	New Section
321.40	New Section
321.50	New Section
321.60	New Section
321.70	New Section
321.80	New Section
321.90	New Section
- 4) Statutory Authority: 230 ILCS 5
- 5) Effective Date of Rule: April 15, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) Date filed in Agency's Principal Office: April 2, 1996
- 9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 12956, September 15, 1995
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: Section 321.10(a): removed "of money"; replaced "that is" with "and"; added "provisions for closing accounts"; and added "State Director of Mutuels and the".
Section 321.20: replaced "whereby" with "through which" in two places; added "operated by the licensee's totalizer operator"; added "totalizer operator"; and changed the section labels.
Section 321.50: changed comma to a period; deleted "whereby the proceeds of"; capitalized "T" in "the".
Section 321.70: replaced "the respective" with "that"; removed "s" from "accounts"; changed "said" to "the"; and added "holder".
Section 321.80: added "The Board shall request the records when there is probable cause for such a request. Examples of instances when probable cause exists include, but are not limited to, allegations of race-fixing or wagering schemes."; and added "term" after "short-".

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

Section 321.90: replaced "approved by the State Director of Mutuels" to "established by the licensee"; and added a period.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any other proposed amendments pending in this Part? No

15) Summary and purpose of rules: This rulemaking establishes account wagering.

16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro
Illinois Racing Board, Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

The full text of the adopted amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES

PART 321

ACCOUNT WAGERING

Section	General
321.10	Account Opening
321.20	Refusals
321.30	Patron Information
321.40	Deposits
321.50	Sufficient Account Balance
321.60	Account Credits
321.70	Account Operation
321.80	Account Closure
321.90	

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 20 Ill. Reg. 5878, effective APR 5 1996.

Section 321.10 General

a) A licensee may offer a system of account wagering to its patrons whereby wagers are debited and payouts are credited to a sum, deposited in an account by the patron, and held by the licensee. The licensee shall request authorization from the State Director of Mutuels before a system of account wagering is offered.

b) The licensee shall notify the patron, at the time of opening the account, of any rules the licensee has made concerning deposits, withdrawals, average daily balance, user fees, interest payments, provisions for closing accounts and any other aspect of the operation of the account. The licensee shall notify the State Director of Mutuels and the patron whenever rules governing the account are changed, such notification occurring before the new rules are applied to the account and including the opportunity for the patron to close or cash-in the account. The patron shall be deemed to have accepted the rules of account operations upon opening or not closing the account.

Section 321.20 Account Opening

a) The licensee may offer to open for its patrons:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

- 1) short-term accounts that are operational only for the performance(s) during which they were opened and only at the site where they were opened, through which wagers are placed by the account holder at a self-service terminal;
 - 2) long-term accounts that are operational for all performances offered by the licensee, through which wagers are placed by the account holder at a self-service terminal operated by the licensee's totalizator operator; and
 - 3) voucher accounts that are operational for any performance offered by the licensee, through which wagers are placed by the account holder at any ticket issuing terminal operated by the licensee's totalizator operator.
- b) The patron may choose to credit winning payouts in cash and may choose to close or cash-in the account at any time.

Section 321.30 Refusals

The licensee may reserve the right at any time to refuse to open an account, to accept a wager, or to accept a deposit.

Section 321.40 Patron Information

Each short-term or long-term account holder shall provide such personal information as the licensee and the State Director of Mutuels require, including an address to which communications are to be delivered. The licensee shall provide, for each short-term or long-term account holder, a confidential account number and password to be used by the patron to confirm validity of every account transaction.

Section 321.50 Deposits

Deposits may be made in cash or by check. The check may first need banker's clearance. Holding periods shall be determined by the licensee and advised to the account holder. A receipt for the deposit shall be issued to the account holder, but does not need to reflect the current account balance.

Section 321.60 Sufficient Account Balance

Each account holder shall be deemed to be aware of the status of that account at all times. Wagers shall not be accepted which would exceed the available balance of that account. Any account not updated when a transaction is completed shall be inoperable until the transaction is posted and the account balance updated.

Section 321.70 Account Credits

When an account holder is entitled to a payout or refund, the monies shall be credited to that account, thus increasing the credit balance. It is the

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

responsibility of the account holder to verify proper credits and, if in doubt, notify the licensee. Unresolved disputes shall be forwarded to the State Director of Mutuels by the licensee or account holder.

Section 321.80 Account Operation

- a) The licensee shall maintain complete records of every deposit, withdrawal, wager and winning payout for each short-term and long-term account. Voucher accounts shall be recorded in a manner similar to a ticket. These records shall be made available to the Board upon request. The Board shall request the records when there is probable cause for such a request. Examples of instances when probable cause exists include, but are not limited to, allegations of race-fixing or wagering schemes.
- b) Any account wagering system shall provide for the account holder's review and finalization of a wager before it is accepted by the licensee. Neither the account holder nor the licensee shall change a wager after the account holder has reviewed and finalized the wager.

Section 321.90 Account Closure

The licensee may close any account when the holder thereof attempts to operate with an insufficient balance or when the account is dormant for a period established by the licensee. In either case, the licensee shall refund the remaining balance of the account.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Forbidden Conduct
- 2) Code Citation: 11 Ill. Adm. Code 1320
- 3) Section Number: Adopted Action:
1320.150 New Section
- 4) Statutory Authority: 230 ILCS 5
- 5) Effective Date of Rule: April 15, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) Date filed in Agency's Principal Office: April 2, 1996
- 9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg.
15814 - 11/27/95
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: Removed "main, administer noxious substances to, or" from subsection (b). Added closing bracket to the Authority note. Omitted comma from the main Source note. Moved "on the grounds of an organization licensee" to the end of each subsection.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect?
No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rules: This rulemaking establishes the prohibition of inhumane treatment of horses.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro
Illinois Racing Board
Legal Department
100 West Randolph, Suite 11-100
Chicago, IL 60601
(312) 814-2600

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1320

FORBIDDEN CONDUCT

Section	
1320.10	Improper Conduct
1320.20	Assault and/or Battery
1320.30	Conspiracy Not to Race
1320.40	Demand Special Rewards
1320.50	Betting On Starters
1320.60	Fraudulent Proposals
1320.70	Acts Injurious to Racing
1320.80	Conspiracy to Violate Rules
1320.90	Sworn Oaths
1320.100	Association with Undesirables
1320.110	Bookmaking
1320.120	Solicitation of Wagers
1320.130	Betting By Board Employees
1320.140	Sale of Products by Board Appointees (Repealed)
1320.150	Humane Treatment of Horses

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (230 ILCS 5/9(b)).

SOURCE: Published in Rules and Regulations of Harness Racing (original date not cited in publication); codified at 5 Ill. Reg. 10948; amended at 9 Ill. Reg. 11653, effective July 15, 1985; amended at 18 Ill. Reg. 17751, effective November 28, 1994; amended at 20 Ill. Reg. 5883, effective APR 15 1996.

Section 1320.150 Humane Treatment of Horses

- a) No person shall subject any animal to any form of cruelty, mistreatment, neglect, abuse, abandonment, or injury on the grounds of an organization licensee.
- b) No person shall deprive any animal of necessary care, sustenance, shelter or veterinary care on the grounds of an organization licensee.

(Source: Added APR 15 1996 at 20 Ill. Reg. 5883, effective APR 15 1996.)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Horse Health Rules2) Code Citation: 11 Ill. Adm. Code 14313) Section Number: 1431.60
Adopted Action: Repealed
1431.90 New Section4) Statutory Authority: 230 ILCS 55) Effective Date of Rule: April 15, 19966) Does this rulemaking contain an automatic repeal date? No7) Does this amendment contain incorporations by reference? No8) Date filed in Agency's Principal Office: April 2, 19969) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 15817 - 11/27/9510) Has JCAR issued a Statement of Objections to this rule? No11) Differences between proposal and final version: Removed "maim, administer noxious substances to, or" from subsection (b). Corrected authority note and main source note. Moved "on the grounds of an organization licensee" to the end of each subsection.12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes13) Will these amendments replace emergency amendments currently in effect? No14) Are there any other proposed amendments pending in this Part? No15) Summary and purpose of rules: This rulemaking repeals the requirement that the State Veterinarian provide tongue times and establishes the prohibition of inhumane treatment of horses.16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro,
Illinois Racing Board, Legal Department
100 West Randolph, Suite 11-100,
Chicago, Illinois 60601

ILLINOIS RACING BOARD
NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendments begins on the next page:

ILLINOIS RACING BOARD
NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER 9: RULES AND REGULATIONS OF HORSE RACING (THOROUGHBRED)

PART 1431
HORSE HEALTH RULES

Section	Valid Health Certificate
1431.10	Pest Control
1431.20	Disposable Needles; Hypodermics
1431.30	Clean Equipment
1431.40	Equipment used on Animals
1431.50	Tongue Ties (Repealed)
1431.60	Health Rule Violations
1431.70	Establish Health Rules
1431.80	AGID (Coggins) Test
1431.85	Humane Treatment of Horses
1431.90	

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication; April 13, 1983; codified at 5 Ill. Reg. 11006; amended at 20 Ill. Reg. 5886, effective APR 15 1996).

Section 1431.60 Tongue Ties (Repealed)

The state veterinarians shall retain a supply of new tongue ties upon request; they will supply a tongue tie to trainers.

(Source: Repealed at 20 Ill. Reg. 5886, effective APR 15 1996)

Section 1431.90 Humane Treatment of Horses

- a) No person shall subject any animal to any form of cruelty, mistreatment, neglect, abuse, abandonment, or injury on the grounds of an organization licensee.
- b) No person shall deprive any animal of necessary care, sustenance, shelter or veterinary care on the grounds of an organization licensee.

(Source: Added at 20 Ill. Reg. 5886, effective APR 15 1996)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Literacy Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 3040
- 3) Section Numbers:
3040.120 Adopted Action:
3040.160 Amendment
3040.310 Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois State Library Act [15 ILCS 320/1]
- 5) Effective Date of Rulemaking: April 9, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) Date Filed in Agency's Principal Office: April 9, 1996
- 9) Notice of Proposal Published in Illinois Register: December 22, 1995; 19 Ill. Reg. 16815
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: The rulemaking was clarified concerning the requirements for "single audits".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The rules cover the requirements for literacy grants from the Office of the Secretary of State/Illinois State Library. The rules are revised to reflect the availability of an updated government audit publication, the requirements for "single audits", and the need for fewer copies of literacy provider program applications. The definition of "children at risk programs" has been amended.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Kathleen Bloomberg
Associate Director for Administration
Illinois State Library

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

300 S. Second Street
Springfield, IL 62701-1796
(217) 785-0052
(217) 782-6062 fax
kbloom@library.sos.state.il.us Internet

The full text of the Adopted Amendment begins on the next page:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
 SUBTITLE B: CULTURAL RESOURCES
 CHAPTER I: SECRETARY OF STATE

PART 3040
 LITERACY GRANT PROGRAM

SUBPART A: LITERACY PROVIDER PROGRAM

Section

3040.100

Purpose

3040.110

Definitions

3040.120

Application for Grant

3040.130

Review of Grant Applications

3040.140

Award of Grants and Recordkeeping

3040.150

Cancellation of Grant

3040.160

Audit Procedures

3040.170

Other Requirements

3040.180

Invalidity

SUBPART B: WORKPLACE LITERACY PROGRAM

Section

3040.200

Purpose

3040.210

Definitions

3040.220

Application for Grant

3040.230

Review of Grant Applications

3040.240

Award of Grant, Financial Reports, and Program Progress Reports

3040.250

Cancellation of Grant

3040.260

Other Requirements

3040.270

Invalidity

SUBPART C: FAMILY LITERACY PROGRAM

Section

2040.300

Purpose

2040.310

Definitions

2040.320

Eligible Applicants

2040.330

Grant Applications

AUTHORITY: Implementing and authorized by the State Library Act [15 ILCS 320].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 15563, effective October 2, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 4916, effective March 11, 1986; amended at 11 Ill. Reg. 17258, effective October 15, 1987; amended at 15 Ill. Reg. 18757, effective December 17, 1991; amended at 16 Ill. Reg. 13084, effective August 15, 1992; amended at 17 Ill. Reg. 7234, effective May 10,

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

1993; amended at 18 Ill. Reg. 4990, effective March 9, 1994; amended at 20 Ill. Reg. 5889, effective APR 9 1996.

SUBPART A: LITERACY PROVIDER PROGRAM

Section 3040.120 Application for Grant

- a) Requests for a grant shall be submitted to the LAB in writing postmarked no later than October 15, 1985, for Fiscal Year 1986, and April 15th for every fiscal year thereafter. Applicants shall use the forms prepared and made available by the Secretary of State for this purpose. Applications not submitted on time or on the required forms shall not be considered by the LAB.
- b) Applications shall be submitted to the Literacy Office, Illinois State Library, 431 South Fourth Street, Springfield, Illinois 62701.
- c) Applications shall be reviewed by the LAB. Awards shall be made on or after December 1, 1985, for Fiscal Year 1986 and on or after July 1st of every year thereafter for the fiscal year then commencing.
- d) Grants shall not exceed \$50,000 to any one grant applicant in Fiscal Year 1986. The maximum grant amount shall be determined by the Secretary basing his or her decision upon the amount of money appropriated by the General Assembly and the likely number of grant applications.
- e) Applications must be submitted in one (1) original and fifteen (15) ~~nineteen~~ 19 copies.
- f) The first grant period shall be for a period of six (6) months, January 1, 1986, until June 30, 1986. ~~Thereafter~~ Therefore, the grant period shall be the fiscal year.
- g) Applications shall include the following information:
 - 1) The name of the literacy program for the community.
 - 2) The name and address of the grant applicant.
 - 3) The name and telephone number of grant project applicant's director or executive officer.
 - 4) The name, address, telephone number, Federal Employer Identification Number (FEIN), and signature of the grant applicant's fiscal officer, who will receive any approved grant and be responsible for the grant funds.
 - 5) The term of the literacy program.
 - 6) The total amount of grant money requested for the literacy program.
 - 7) A brief and explicit description of the literacy program purpose and goals.
 - 8) A statement supported by statistics (e.g., dropout rates, census figures on the education level of the local population, or the number of persons receiving public assistance) and other evidence, (statements from local officials, State Legislature requests, or community college reports) detailing the need for the literacy program in the particular community or geographic

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- region of the grant applicant.
- 9) A statement of the methods to be used by the grant applicant to meet its stated goals and objectives.
 - 10) A statement of the grant applicant's plans to coordinate its effort with other community groups, and to cooperate with other community groups, including education groups, volunteer organizations, governmental bodies, private business, and library organizations and a listing of participating agencies.
 - 11) A statement detailing plans to evaluate projects objectives and program accomplishments by the grant applicant, including statistical data and how it is gathered and by whom and when.
 - 12) A statement as to the continuation of the literacy program without further grants.
 - 13) A list of all organizations which are participating agencies in the literacy program project proposed by the grant applicant including signatures of organization representatives.
 - 14) The budget for the literacy project, setting forth the personnel costs, fringe benefits, (e.g., retirement benefits and health insurance) travel costs, equipment purchases, supplies, contractual services, and instructional materials, and any other expense necessary to operate the literacy program proposed in the grant application.
 - 15) A statement as to the time schedule for the completion of project objectives of the literacy program within the grant year.

(Source: Amended at 20 Ill. Reg. 5889, effective APR 9 1996)

Section 3040.160 Audit Procedures

- a) On or before September 1 of each year, the literacy grant recipient must conduct an audit of the program and its expenditure of the grant funds. Grant funds shall be accounted for using the modified accrual accounting method. The State Library will add funds to budgets of grant recipients to pay for audit costs. The literacy grant recipient shall select an independent certified public accountant to perform the audit in accordance with the United States General Accounting Office Government Auditing Standards - Standards for Audit of Governmental Organizations, Programs, Activities and Functions (Yellow Book), 1994 1988 revision, no later editions. This document can be obtained through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. A copy of this document is also maintained for public inspection at the Illinois State Library, 300 South Second Street, Springfield, Illinois 62701. The results of this audit must be submitted to the State Library, Office of the Secretary of State. Failure to conduct the audit or failure to report the results to the State Library shall result in cancellation of any existing grants. The State Library shall withhold 10% of the grant

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- funds until receipt and approval of the audit.
- b) A grantee who does not comply with audit requirements will be ineligible to receive funds in any following fiscal year.
 - c) The provisions of this Section will not be applicable to entities that fall under the audit authority of the Auditor General of Illinois.
 - d) Entities electing to fulfill their audit requirements by submitting a "single audit" of their entity in accordance with the Single Audit Act of 1994 (31 U.S.C.A. Section 7501 et seq.) may do so. However, a schedule of revenues and expenditures for the grant, showing budget and actual amounts, must be included as a supplementary schedule in the audit report. Those entities electing to submit a "single audit" will not be subject to the September 1 deadline indicated in subsection (a) above. Single audits must be submitted within 30 days after release of the single audit report.

(Source: Amended at 20 Ill. Reg. 5889, effective APR 9 1996)

SUBPART C: FAMILY LITERACY PROGRAM

Section 3040.310 Definitions

"Children at Risk Programs": Programs in which children, identified as being educationally disadvantaged because of social, economic or other factors, receive remedial instruction.

"Family Literacy": Reading, writing, and computing instruction for parents and children together, including academic and parenting instruction for adults, developmentally appropriate activities for children, and time to learn together.

(Source: Amended at 20 Ill. Reg. 5889, effective APR 9 1996)

DEPARTMENT OF REVENUE

NOTICE OF WITHDRAWAL TO MEET THE OBJECTION OF THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Property Tax Code
- 2) Code Citation: 86 Ill. Adm. Code 110
- 3) Section Numbers
110.195 Proposed Action:
New Section
- 4) Date Notice of Proposed Amendments Published in the Illinois Register:
March 3, 1995, 19 Ill Reg. 2394
- 5) Date JCAR State of Objection Published in the Register: March 8, 1996, 20
Ill. Reg. 4076
- 6) Summary of Action Taken by the Agency: Withdraw the proposed rulemaking in
its entirety.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF CORRECTIONS TO NOTICE ONLY

- 1) Heading of the Part: Standard Procurement
- 2) Code Citation: 44 Ill. Adm. Code 1
- 3) The Notice of the Proposed Amendments appeared at 20 Ill. Reg. 4878, dated
March 29, 1996.
- 4) The information being corrected is as follows:
Initial Regulatory Flexibility Analysis:

This rule reflects a law which allows agencies to contract for goods and services with companies that hire supported employees without bidding. There is no direct impact on business, large or small. There may be an indirect impact in that an agency may choose to enter into contract negotiations with a firm which has supported employees and thus the company would not have to submit a bid and compete with others. Small businesses which are interested in commenting on this proposed amendment may submit comments as per Section 11 of the Notice of Proposed Amendments.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF CORRECTIONS TO NOTICE ONLY

- 1) Heading of the Part: The Travel Regulation Council
- 2) Code Citation: 80 Ill. Adm. Code 3000
- 3) The Notice of Proposed Amendments appeared at 20 Ill. Reg. 4887, dated March 29, 1996.
- 4) The information being corrected is as follows:

Initial Regulatory Flexibility Analysis:

We do not believe this change in the rate that an employee may be reimbursed for using his or her own aircraft to travel on State business has any impact on small business. However, there has been a suggestion that by potentially raising the rate, employees may be more inclined to use their own aircraft rather than using commercial transportation. Any small businesses which would have concerns in this regard are encouraged to submit those concerns in writing as indicated in Section 11 of the Notice of Proposed Amendments.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYNOTICE OF PUBLICATION ERROR

DEPARTMENT OF PUBLIC AID

Heading of the Part: Demonstration ProgramsCode Citation: 89 Ill. Adm. Code 170Section Numbers: 170.360 170.370 170.380Date Proposed Amendment Published in the Illinois Register:August 4, 1995 -
19 Ill. Reg. 11316
and October 6,
1995 - 19 Ill.
Reg. 13789Date Adopted Amendments Published in the Illinois Register:April 12, 1996 -
20 Ill. Reg. 5685

The rulemaking cited above concerns the implementation of the following demonstration projects: Get a Job Initiative, Targeted Work Initiative and Quarterly Reporting - Failure to Report Employment. When the Department of Public Aid adopted this rulemaking that combined the text of 2 rulemakings proposed separately, both the Register and file pages submitted to the Secretary of State were correct and complete. However, the text of one of the proposed rulemakings was inadvertently omitted when the adopted rule text was published in the April 12, 1996 Illinois Register, although the Sections were listed and fully explained on the agency's notice page. The full text of the adopted rulemaking, effective March 30, 1996, follows on the next page.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYNOTICE OF PUBLICATION ERROR

DEPARTMENT OF PUBLIC AID

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER 9: DEMONSTRATION PROGRAMS

PART 170

DEMONSTRATION PROGRAMS

SUBPART A: THE FRESH START
WELFARE REFORM DEMONSTRATION PROGRAM

Section
170.10 Youth Employment and Training Initiative
170.20 Paternal Involvement Project
170.30 Homeless Families Support Project
170.40 Family Responsibility Project
170.50 Income Budgeting Project

SUBPART B: THE CAREER ADVANCEMENT PROGRAM

Section
170.100 The Career Advancement Program
170.110 Career Advancement Experimental and Control Groups
170.120 Career Advancement Participation Requirements of Experimental Group Members
170.130 Career Advancement Supportive Services for Experimental Group Members

SUBPART C: COMMUNITY GROUP PARTICIPATION PROGRAM

Section
170.200 Community Group Participation Program

SUBPART D: EARNED INCOME INITIATIVE

Section
170.250 Work Pays Demonstration

SUBPART E: FAMILY DEVELOPMENT PLAN

Section
170.300 Truancy Prevention Project

SUBPART F: WORK AND RESPONSIBILITY DEMONSTRATION

Section
170.360 Get a Job Initiative

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYNOTICE OF PUBLICATION ERROR

DEPARTMENT OF PUBLIC AID

170.370 Targeted Work Initiative (TWI)
170.380 Quarterly Reporting - Failure to Report Employment Demonstration Project

SUBPART G: BIOMETRIC IDENTIFICATION DEMONSTRATION

Section
170.400 Retinal Scanning

SUBPART H: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS)
DEMONSTRATION PROGRAM

Section
170.450 Young Parent Services South Home Visitor Demonstration (Project Link)

AUTHORITY: Implementing and authorized by Sections 4-1, 4-1.10, 4-8, 4-17, 11-20, 12-4.28 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-1, 4-1.10, 4-8, 4-17, 11-20, 12-4.28 and 12-13].

SOURCE: Adopted at 13 Ill. Reg. 14067, effective August 23, 1989; amended at 14 Ill. Reg. 19320, effective November 30, 1990; amended at 17 Ill. Reg. 19197, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19721, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3372, effective February 28, 1994; emergency amendment at 19 Ill. Reg. 645, effective January 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 7901, effective June 8, 1995; emergency amendment at 19 Ill. Reg. 15256, effective November 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 15849, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16314, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 866, effective January 1, 1996; amended at 20 Ill. Reg. 4333, effective February 29, 1996; amended at 20 Ill. Reg. 5685, effective March 30, 1996.

SUBPART F: WORK AND RESPONSIBILITY DEMONSTRATIONSection 170.360 Get a Job Initiative

- a) The Department will operate GET A JOB as a statewide demonstration for five years beginning November 1, 1995. Some areas will be designated as the research sites where cases will be randomly assigned to an experimental or control group. Clients in these areas not in the experimental group will not participate in GET A JOB.
- b) Selection of Participants
At the time AFDC cash assistance (Category 04 only) is approved, adults who are not exempt from participation in the AFDC JOBS Program

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

NOTICE OF PUBLICATION ERROR

DEPARTMENT OF PUBLIC AID

and who meet the following criteria will be assigned to GET A JOB. Exemption reasons in 89 Ill. Adm. Code 112.71 apply except for remoteness. Nonexempt adults will be selected if:

- 1) they are unemployed or employed and budgeted gross earnings are less than \$255 per month;
- 2) their youngest child is age five through 12; and
- 3) the adult:
 - A) has a high school diploma or GED;
 - B) has been employed within the last three months; or
 - C) is receiving Unemployment Insurance (UI) Benefits or has received UI within the last three months.

c) AFDC JOBS Orientation and Assessment

- 1) At application, potential GET A JOB participants will be identified during the AFDC eligibility interview. The eligibility worker will inform the client about the AFDC JOBS Program and explain GET A JOB participation requirements and available supportive services. The worker will provide the client with information and forms needed to begin participation in GET A JOB.

- 2) The determination that the client meets the selection criteria for GET A JOB and the evaluation of the need for and arrangement of supportive services constitutes the initial AFDC JOBS assessment for GET A JOB participants.

- 3) Participants will not be approved for education or training programs while in GET A JOB.

d) Participation Requirements

- 1) Unless they have good cause, participants must:
 - A) attend scheduled monthly job search meetings;
 - B) keep appointments with GET A JOB staff;
 - C) make a good faith effort to complete 20 employer contacts each month;

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- D) accept a bonafide offer of suitable employment; and
- E) maintain employment and not voluntarily reduce earnings.

- 2) Participants will remain in GET A JOB for six months or until they have budgeted earnings of at least \$255 per month, whichever comes first. Nonexempt participants will then be reassigned to other AFDC JOBS components as slots are available.

- 3) Participants will be placed in GET A JOB each time they are approved for AFDC cash assistance and meet the selection criteria.

e) Supportive Services

Supportive services will be provided to assist participants in their job search.

- 1) Each participant will receive a monthly job search allowance of \$20 to cover the cost of employer contacts including

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

NOTICE OF PUBLICATION ERROR

DEPARTMENT OF PUBLIC AID

transportation, stamps, resumes, etc. No additional payment for these costs will be allowed.

- 2) Payment for child care and initial employment expenses will be provided, as needed, within the limits stated in 89 Ill. Adm. Code 112.82.

f) Sanctions

- 1) Conciliation will be attempted with participants who fail to meet participation requirements (see 89 Ill. Adm. Code 112.77).
- 2) When conciliation is unsuccessful, the following penalties will apply:

A) First sanction - The participant's needs will be removed from the grant until the participant agrees to cooperate.

B) Second sanction - The participant's needs will be removed from the grant until the participant agrees to cooperate or for three months, whichever is longer.

C) Third sanction - The participant's needs will be removed from the grant until the participant agrees to cooperate or for six months, whichever is longer.

D) Fourth (or more) sanction - The entire grant will be discontinued until the participant agrees to cooperate or for six months, whichever is longer.

- 3) When a participant refuses a bonafide offer of suitable employment, the entire grant will be discontinued until the participant becomes employed or for three months, whichever comes first. This action is independent of the four level progressive sanctions described in subsections (f)(2)(A) through (D) of this Section. It does not count in the progression or change the order of these four sanctions.

(Source: Added at 20 Ill. Reg. 5685, effective March 30, 1996)

Section 170.370 Targeted Work Initiative (TWI)

a) Demonstration Status

The Department will operate the Targeted Work Initiative (TWI) as a statewide demonstration for five years beginning December 1995. Some areas will be designated as the research sites where cases will be randomly assigned to an experimental or control group. Clients in these areas who are not in the experimental group will not participate in TWI.

b) Selection of Participants

AFDC and AFDC-U cash recipients whose youngest child is age 13 or older shall be required to participate in TWI and must seek and accept employment as part of the AFDC JOBS Program unless the recipient has earned income or is exempt for one of the following reasons (Other

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

NOTICE OF PUBLICATION ERROR

DEPARTMENT OF PUBLIC AID

AFDC JOBS exemption reasons listed in 89 Ill. Adm. Code 112.71 do not apply to the TWI population):

- 1) Is temporarily ill or chronically ill.
 - A) An individual is temporarily ill when determined by the local office, on the basis of medical evidence (for example, a statement from a medical provider) or on another sound basis, that the illness or injury is serious enough to temporarily prevent the individual from engaging in employment or participating in JOBS. A sound basis for exemption from JOBS on a temporary basis includes but is not limited to: the observation of a cast on a broken leg or the client provides information of a scheduled surgery or recuperation from surgery. Minor ailments and injuries, such as colds, broken fingers or rashes are not serious enough normally to exempt the individual under this criterion.
 - B) An individual is chronically ill or incapacitated, as determined by the local office, when a physician or licensed or certified psychologist finds that a physical or mental impairment, either by itself or in conjunction with age or other factors, prevents the individual from engaging in employment or participating in JOBS. This includes a 60 day period of recuperation after childbirth.
 - C) When an individual is determined either temporarily or chronically ill or incapacitated, the exemption shall continue until further action is taken by the Department. When the exemption is initially granted, the Department will establish a date as to when the condition warranting the exemption is expected to end or, upon case review, the exemption will be reevaluated to determine whether the individual continues to be exempt under the same procedures as for the initial determination of exemption with appropriate notice to the individual that the reevaluation is necessary.
- 2) The recipient provides full-time care for another household member due to that person's medical condition or incapacity.
 - c) Time Limit on Receipt of Cash Assistance
 - 1) Receipt of cash assistance by TWI participants shall be limited to 24 months. Months in which the participant has earnings or is exempt do not count toward the 24 month limit.
 - 2) Beginning with the first month of the 24 month eligibility period, the addition to the household of a child under age 13 or the birth of a child more than 10 months later shall not extend the 24 month period of eligibility.
 - 3) After reaching the 24 month limit, the participant shall be

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

NOTICE OF PUBLICATION ERROR

DEPARTMENT OF PUBLIC AID

ineligible for cash assistance for a period of 24 months. When the participant is off AFDC cash assistance for 24 consecutive months, for any reason, the 24 month period of eligibility will start over.

- d) Participation Requirements

During the 24 month eligibility period, participants must cooperate with the requirements of the AFDC JOBS Program as described in 89 Ill. Adm. Code 112.72. Participants who fail to cooperate shall be subject to sanction.
- e) Sanctions
 - 1) Conciliation (see 89 Ill. Adm. Code 112.77) will be attempted with participants who fail to meet participation requirements without good cause (see 89 Ill. Adm. Code 112.80).
 - 2) When conciliation is unsuccessful, the following penalties will apply:
 - A) First sanction - The participant's needs will be removed from the grant until the participant agrees to cooperate.
 - B) Second sanction - The participant's needs will be removed from the grant until the participant agrees to cooperate or for three months, whichever is longer.
 - C) Third sanction - The participant's needs will be removed from the grant until the participant agrees to cooperate or for six months, whichever is longer.
 - D) Fourth (or more) sanction - The entire grant will be discontinued until the participant agrees to cooperate or for six months, whichever is longer.
 - 3) When a participant refuses a bonafide offer of suitable employment (see 89 Ill. Adm. Code 112.72(a)(3) and (4)), the entire grant will be discontinued until the participant becomes employed or for three months, whichever comes first. This action is independent of the four level progressive sanctions described in subsections (c)(2)(A) through (D) of this Section. It does not count in the progression or change the order of these four sanctions.
 - 4) Months during which the participant is sanctioned shall count as part of the 24 month eligibility period if the participant would otherwise have received cash assistance.
- f) Component Assignments for TWI Participants
 - 1) Initial Component Assignment
 - A) Participants with a high school diploma, GED or recent work history will initially be required to complete eight weeks of independent Job Search followed by assisted Job Search.
 - B) Participants who have neither a high school education nor recent work history will initially be given a choice of independent Job Search, Job Search plus job training or GED.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

NOTICE OF PUBLICATION ERROR

DEPARTMENT OF PUBLIC AID

2) Work First

- A) Participants who have completed their appropriate component and have not become employed after 12 months will be assigned to Work First.
- B) Participants in Work First must work 60 hours per month in an assigned, subsidized work position. Their AFDC grant will be reduced by this amount (60 hours x minimum wage). They will be paid minimum wage, by the employer, for only the number of hours they actually work.
- C) Participants in Work First must also complete 20 hours of Job Search per month.
- D) Participants will be assigned to Work First until they find unsubsidized employment or for a maximum of six months, whichever comes first.
- E) Participation in Work First does not extend the 24 month eligibility period.
- F) The Department will develop Work First positions with private employers and will provide Worker's Compensation coverage for participants.
- G) Supportive Services
Participants shall be provided all needed supportive services as described in 89 Ill. Adm. Code 112.82.

(Source: Added at 20 Ill. Reg. 5685, effective March 30, 1996)

Section 170.380 Quarterly Reporting - Failure to Report Employment Demonstration Project

- a) This Section applies to AFDC applicants and recipients in the following local offices:
 - 1) Research sites. Cases in the research sites will be randomly assigned to an experimental or control group. Cases assigned to the experimental group are subject to the rules in this Section.
 - 2) Englewood, South Suburban and Uptown (all cases);
 - 3) DuPage (all cases);
 - 4) Kankakee (all cases);
 - 5) McLean (all cases); and
 - 6) Peoria (all cases).
- b) Clients in this demonstration project who fail to report their earnings and their earnings are discovered via crossmatch with the Illinois Department of Employment Security (IDES) will be centrally cancelled and an overpayment referred for all assistance received from the first month of the IDES quarter identified to the present. The client will be given timely notification of the action taken.
- c) Each assistance unit in the Quarterly Reporting - Failure to Report

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

NOTICE OF PUBLICATION ERROR

DEPARTMENT OF PUBLIC AID

Demonstration Project that is required to report must submit a written completed report form to the Department quarterly. The information to be reported will be regarding the assistance unit's income, assets, family composition and other factors pertinent to AFDC eligibility for the budget month and any changes in these factors which the unit expects to occur in the current or future months.

- d) The assistance units which must report are units which contain a member who is employed or who has lost employment within the last three months.
- e) All AFDC units which must report quarterly shall have benefits calculated for three months by considering income and attendant circumstances on a prospective basis.
- f) Earnings shall be budgeted prospectively for a three-month period based on the quarterly report provided by the client. Income averaging will be used to determine the amount of income to budget for a three-month period.
- g) Clients who experience a decrease in income below the amount anticipated may be eligible for a supplemental payment. A supplemental payment must be requested in writing. Eligibility for a supplemental payment may exist if the gross earned (minus self-employment business expenses, if any) and unearned income (includes the assistance payment) received from all sources for the payment month is less than the payment level for an assistance unit of comparable size. If these conditions are met, the amount of supplemental payment the client is eligible to receive, if any, is determined by adding the gross earned income (minus self-employment business expenses and the 2/3 earned income deduction) and the gross unearned income (includes the assistance payment) received in the payment month. This amount is subtracted from the payment level for an assistance unit of comparable size. If the difference is \$10 or more, the client is eligible for a supplemental payment. The supplemental payment the client is eligible for is the amount of the difference.
- h) Clients who experience an increase in income above the amount anticipated will not be referred for an overpayment based on the increased income.
- i) At intake, actual amount of income received in the Initial Prorated Entitlement (IPE) period will be used to determine the IPE amount. The first regular roll payment amount will be computed using income averaging.
- j) When the completed quarterly report is received, the Department will determine if eligibility continues and process any adjustments to the payment. The Department will notify the caretaker relative of any changes in the payment and the reason or reasons for the change. If the AFDC grant is being reduced or terminated as a result of information contained in the report, the notification will be mailed

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

NOTICE OF PUBLICATION ERROR

DEPARTMENT OF PUBLIC AID

to arrive no later than the payment or the day the payment would have arrived.

k) If the Department does not receive the quarterly report or receives only an incomplete report, AFDC may be terminated. The Department must send the client a notice of the action to arrive not later than the date the payment would have been made if the Department had received a completed report on time. If the family is found ineligible or eligible for a grant less than that of the prior month, the Department will promptly notify the client of the right to a fair hearing and the right to have assistance reinstated. If a hearing is requested on or before the date of change or within ten calendar days after the date of notice, whichever is later, assistance will be reinstated to the level of the prior month.

l) If a completed report form is received by the end of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the entire three-month period will be determined. If eligible, all the applicable earned income disregards will be allowed for the entire three-month period.

m) If a completed report form is received after the last calendar day of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the month of receipt and the third month, if applicable, will be determined. Eligibility for a cash payment for the first payment month of the three-month period shall not exist. The client will be allowed all the applicable earned income disregards for those months for which eligibility is determined.

n) All AFDC caretaker relatives who are required to file quarterly reports will be notified of their responsibility, receive a complete explanation of the requirements and be informed of the due date for the first report.

(Source: Added at 20 Ill. Reg. 5685, effective March 30, 1996)

DEPARTMENT OF REVENUE

JANUARY 1996 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Income Tax, 86 Ill. Adm. Code 100

1) Rulemaking:

A) Description: New rules will be added to Part 100 concerning the foreign tax credit against the income tax (ITFA Section 601(b)(3)), the tax credit for Tech Prep Youth Vocational Programs (ITFA Section 209), and the Dependent Care Assistance Credit (ITFA Section 210). Part 100 will be amended by the addition of rules governing the definition of "financial organization" (ITFA Section 1501(a)(8)) and rules governing the Director's exercise of discretionary authority relative to reallocation of items under Section 404 of the Illinois Income Tax Act. Subpart P of Part 100 will be amended to update the Department's rules concerning the filing of combined returns under Section 502(e) of the Illinois Income Tax Act. Some rules changes will be made to Part 100, as a result of recent legislation. As a result of the adoption of P.A. 88-669, rules with respect to acceptance of substitute W-2s will be proposed. Pursuant to 88-648, the Department has been developing rules to implement the Medical Care Savings Account Act. Finally, the Department will continue the updating of Part 100.

B) Statutory Authority: 35 ILCS 5/101 and 35 ILCS 5/1401

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 100 over the next six months. We anticipate filing rulemakings amending Part 100 on a regular basis during the first 6 months of this year.

E) Affect on small business, small municipalities or not for profit corporations: These rulemakings will affect any business that incurs an income tax filing obligation.

F) Agency contact person for information:

Keith Staats
Associate Chief Counsel (Income Tax)
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
(217) 782-7055

G) Related rulemaking and other pertinent information: None

DEPARTMENT OF REVENUE

JANUARY 1996 REGULATORY AGENDA

- b) Part(s) (Heading and Code Citation): Retailers' Occupation Tax, 86 Ill. Adm. Code 130

1) Rulemaking:

- A) Description: Amendments will be made to update the Retailers' Occupation Tax regulations to reflect new statutory developments and decisional law. The Department will also continue the updating of Part 130.

- B) Statutory Authority: 35 ILCS 120

- C) Scheduled meeting/hearing dates: No schedule has been established at this time.

- D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 130 over the next six months. We anticipate filing rulemakings amending Part 130 on a regular basis during the first 6 months of this year.

- E) Affect on small business, small municipalities or not for profit corporations: Small businesses that sell tangible personal property at retail will be affected by these regulations.

- F) Agency contact person for information:

George Sorensen
Associate Chief Counsel
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
(217) 782-7054

- G) Related rulemaking and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Service Occupation Tax, 86 Ill. Adm. Code 140

1) Rulemaking:

- A) Description: These rules are part of a general update of the Service Occupation Tax regulations to reflect new statutory developments and decisional law. The Department will also continue the updating of Part 140.

- B) Statutory Authority: 35 ILCS 115

DEPARTMENT OF REVENUE

JANUARY 1996 REGULATORY AGENDA

- C) Scheduled meeting/hearing dates: No schedule has been established at this time.

- D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 140 over the next six months. We anticipate filing rulemakings amending Part 140 on a regular basis during the first 6 months of this year.

- E) Affect on small business, small municipalities or not for profit corporations: Servicemen transferring tangible personal property incident to service will be affected by these rules.

- F) Agency contact person for information:

George Sorensen
Associate Chief Counsel
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
(217) 782-7054

- G) Related rulemaking and other pertinent information: None

- d) Part(s) (Heading and Code Citation): Bingo License and Tax Act, 86 Ill. Adm. Code 430

1) Rulemaking:

- A) Description: This rulemaking will update Part 430 to clarify Department policy.

- B) Statutory Authority: 230 IICS 25

- C) Scheduled meeting/hearing dates: No schedule has been established at this time.

- D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 430 over the next six months. We anticipate filing rulemakings amending Part 430 on a regular basis during the first 6 months of this year.

- E) Affect on small business, small municipalities or not for profit corporations: These amendments will affect the not-for-profit organizations which hold bingo licenses.

DEPARTMENT OF REVENUE

JANUARY 1996 REGULATORY AGENDA

F) Agency contact person for information:

George Sorensen
Associate Chief Counsel
Illinois Department of Revenue
101 W. Jefferson, 5-500
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(217) 782-7054

G) Related rulemaking and other pertinent information: Nonee) Part(s) (Heading and Code Citation): Pull Tabs and Jar Games Act, 86 Ill. Adm. Code 4321) Rulemaking:

A) Description: This rulemaking will update Part 432 to reflect new legislation and to clarify Department policy. For example, P.A. 87-1271 amended the Act to provide that qualified local fraternal mutual benefit organizations are eligible for licenses.

B) Statutory Authority: 230 ILCS 20

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 432 over the next six months. We anticipate filing rulemakings amending Part 432 on a regular basis during the first 6 months of this year.

E) Affect on small business, small municipalities or not for profit corporations: These amendments will affect persons eligible to receive licenses under the Pull Tabs and Jar Games Act.

F) Agency contact person for information:

George Sorensen
Associate Chief Counsel
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
(217) 782-7054

G) Related rulemaking and other pertinent information: None

DEPARTMENT OF REVENUE

JANUARY 1996 REGULATORY AGENDA

f) Part(s) (Heading and Code Citation): Charitable Games Act, 86 Ill. Adm. Code 4351) Rulemaking:

A) Description: A major rulemaking is necessary to implement the provisions of P.A. 88-669, which extensively revised the Charitable Games Act. New definitions have been added, and organizations applying for licenses must follow new application procedures. New provisions now allow municipalities to provide premises for charitable games nights for 16 charitable games nights in a 12-month period. The Act also now clarifies how many times a licensed provider, other than a municipality, may provide premises for conducting charitable games. New restrictions also apply to the conducting of charitable games. In addition, specific restrictions apply to consultant companies. New criminal and civil penalties are also now applicable to all licensees and others who violate the Act or rules. The rules will also be amended to reflect requirements of P.A. 87-1271, which allows qualified fraternal mutual benefit organizations to apply for a license, and which expands the hours during which charitable games may be played. The rules will also be amended generally to clarify Department policies.

B) Statutory Authority: 230 ILCS 30

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 435 over the next six months. We anticipate filing rulemakings amending Part 435 on a regular basis during the first 6 months of this year.

E) Affect on small business, small municipalities or not for profit corporations: These amendments will affect all businesses and organizations which are eligible for licensure under the Charitable Games Act.

F) Agency contact person for information:

George Sorensen
Associate Chief Counsel
Illinois Department of Revenue
101 W. Jefferson, 5-500
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(217) 782-7054

DEPARTMENT OF REVENUE

JANUARY 1996 REGULATORY AGENDA

G) Related rulemaking and other pertinent information: None

9) Part(s) (Heading and Code Citation): Cigarette Tax Act, 86 Ill. Adm. Code 440

1) Rulemaking:

A) Description: Regulations are necessary to clarify what is meant by "a person who makes, manufactures, or fabricates cigarettes as a part of a correctional industries program for sale to residents incarcerated in penal institutions or resident patients of a State-operated mental health facility." Such person is not considered to be a "distributor" subject to the tax. There is currently nothing in the cigarette regulations which clarifies this term. Also, the Department will continue the updating of Part 440.

B) Statutory Authority: 35 ILCS 130

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 440 on a regular basis during the first 6 months of this year.

E) Affect on small business, small municipalities or not for profit corporations: This rulemaking will affect persons subject to the Cigarette Tax Act.

F) Agency contact person for information:

George Sorensen
Associate Chief Counsel
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
(217) 782-7054

G) Related rulemaking and other pertinent information: None

h) Part(s) (Heading and Code Citation): Coin-Operated Amusement Device, 86 Ill. Adm. Code 460

1) Rulemaking:

A) Description: These rules require amendment to include the provisions of P.A. 87-951, which amended the definition of

DEPARTMENT OF REVENUE

JANUARY 1996 REGULATORY AGENDA

A) Description: Section 460.110. The license year runs from August 1 through July 31. This rule currently provides that a fractional license will not be issued for less than a month. Many times, events occur towards the end of the license period for which a person wants a license for less than a month. The rules currently prohibit this. We wish to amend the rules to allow this practice. In addition, the Coin-Operated Amusement Device Tax Act was amended by P.A. 87-855 to tax and regulate "redemption machines". The term, "redemption machine," is defined in the Criminal Code. This new development should be reflected in the rules (i.e., defined and included in provisions governing taxation and licensure). Finally, the Department will continue the updating of Part 460.

B) Statutory Authority: 35 ILCS 510

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 460 over the next six months. We anticipate filing rulemakings amending Part 460 on a regular basis during the first 6 months of this year.

E) Affect on small business, small municipalities or not for profit corporations: This rulemaking will affect any small business that maintains coin-operated amusement devices or redemption machines.

F) Agency contact person for information:

George Sorensen
Associate Chief Counsel
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
(217) 782-7054

G) Related rulemaking and other pertinent information: None

i) Part(s) (Heading and Code Citation): Hotel Operators' Occupation Tax, 86 Ill. Adm. Code 480

1) Rulemaking:

A) Description: These rules require amendment to include the provisions of P.A. 87-951, which amended the definition of

DEPARTMENT OF REVENUE

JANUARY 1996 REGULATORY AGENDA

"permanent resident". Also, the Department will continue the updating of Part 480.

- B) Statutory Authority: 35 ILCS 145
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 480 on a regular basis during the first 6 months of this year.
- E) Affect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Hotel Operators' Occupation Tax.
- F) Agency contact person for information:

George Sorensen
Associate Chief Counsel
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
(217) 782-7054

- G) Related rulemaking and other pertinent information: None

- j) Part(s) (Heading and Code Citation): Telecommunications Excise Tax, 86 Ill. Adm. Code 495

1) Rulemaking:

- A) Description: The rules will be amended to clarify both current statutory provisions and Department policy. Many new technologies have evolved since the Act was established, and the manner in which these technologies are taxed can be clarified in the rules.

- B) Statutory Authority: 35 ILCS 630

- C) Scheduled meeting/hearing dates: No schedule has been established at this time.

- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 495 on a regular basis during the first 6 months of this year.

- E) Affect on small business, small municipalities or not for profit

DEPARTMENT OF REVENUE

JANUARY 1996 REGULATORY AGENDA

corporations: Retailers of telecommunications will be affected by these regulations.

- F) Agency contact person for information:

George Sorensen
Associate Chief Counsel
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
(217) 782-7054

- G) Related rulemaking and other pertinent information: None

- k) Part(s) (Heading and Code Citation): Tobacco Products Tax Act of 1995 (New Part), 86 Ill. Adm. Code 660

1) Rulemaking:

- A) Description: New rules will be added which clarify and implement the Tobacco Products Tax Act of 1995

- B) Statutory Authority: 20 ILCS 2805/39b19

- C) Scheduled meeting/hearing dates: No schedule has been established at this time.

- D) Date agency anticipates First Notice: The Department anticipates filing rulemakings to add this New Part during the first six months of this year.

- E) Affect on small business, small municipalities or not for profit corporations: This rulemaking will affect distributors, and in some cases, retailers of tobacco products other than cigarettes.

- F) Agency contact person for information:

George Sorensen
Associate Chief Counsel
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
(217) 782-7054

- G) Related rulemaking and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES
STRATTON OFFICE BUILDING
ROOM C-1

SPRINGFIELD, ILLINOIS

9:00 A.M.

APRIL 23, 1996

NOTICES: Due to Register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706*

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGS

Capital Development Board

Repeal of Insurance and Surety Companies (44 Ill Adm Code 1050)
-First Notice Published: 20 Ill Reg 1702 - 2/2/96
-Expiration of Second Notice Period: 5/4/96

Central Management Services

Travel (80 Ill Adm Code 2800)
-First Notice Published: 20 Ill Reg 942 - 1/19/96
-Expiration of Second Notice Period: 4/26/96

The Travel Regulation Council (80 Ill Adm Code 3000)

-First Notice Published: 20 Ill Reg 935 - 1/19/96
-Expiration of Second Notice Period: 4/26/96

Children and Family Services

JOINT COMMITTEE ON ADMINISTRATIVE RULES
STRATTON OFFICE BUILDING
ROOM C-1

SPRINGFIELD, ILLINOIS

9:00 A.M.

APRIL 23, 1996

Services Delivered by the Department (89 Ill Adm Code 302)
-First Notice Published: 19 Ill Reg 16338 - 12/15/95
-Expiration of Second Notice Period: 5/11/96

Commerce and Community Affairs

State Administration of the Federal Community Development Block Grant Program for Small Cities (47 Ill Adm Code 110)
-First Notice Published: 20 Ill Reg 947 - 1/19/96
-Expiration of Second Notice Period: 5/10/96

Corrections

Records of Committed Persons (20 Ill Adm Code 107)
-First Notice Published: 20 Ill Reg 54 - 1/5/96
-Expiration of Second Notice Period: 4/24/96

Secure Residential Youth Care Facility (20 Ill Adm Code 801)

-First Notice Published: 20 Ill Reg 1371 - 1/26/96
-Expiration of Second Notice Period: 5/2/96

Insurance

Required Procedure for Filing and Securing Approval of Life Insurance, Annuity and Accident and Health Insurance, Voluntary Health Services Plans, Vision Service Plans, Dental Service Plans, Pharmaceutical Service Plans, Limited Health Service Organizations and Health Maintenance Organizations Policy Forms (50 Ill Adm Code 916)
-First Notice Published: 19 Ill Reg 15881 - 12/1/95
-Expiration of Second Notice Period: 5/12/96

Minimum Standards for Individual and Group Medicare Supplement Insurance (50 Ill Adm Code 2008)

-First Notice Published: 19 Ill Reg 16430 - 12/15/95
-Expiration of Second Notice Period: 4/25/96

Labor

Health and Safety (56 Ill Adm Code 350)

-First Notice Published: 19 Ill Reg 16758 - 12/22/95
-Expiration of Second Notice Period: 4/24/96

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING

ROOM C-1

SPRINGFIELD, ILLINOIS

9:00 A.M.

APRIL 23, 1996

Natural Resources

Camping on Department of Conservation Properties (17 Ill Adm Code 130)

-First Notice Published: 20 Ill Reg 1709 - 2/2/96

-Expiration of Second Notice Period: 5/3/96

Rental of Boats and Boating Facilities (17 Ill Adm Code 210)

-First Notice Published: 20 Ill Reg 2647 - 2/16/96

-Expiration of Second Notice Period: 5/19/96

White-Tailed Deer Hunting by Use of Firearms (17 Ill Adm Code 650)

-First Notice Published: 20 Ill Reg 2287 - 2/9/96

-Expiration of Second Notice Period: 5/15/96

White-Tailed Deer Hunting by Use of Muzzleloading Rifles (17 Ill Adm Code 660)

-First Notice Published: 20 Ill Reg 2303 - 2/9/96

-Expiration of Second Notice Period: 5/15/96

White-Tailed Deer Hunting by Use of Bow and Arrow (17 Ill Adm Code 670)

-First Notice Published: 20 Ill Reg 2278 - 2/9/96

-Expiration of Second Notice Period: 5/15/96

Implementation Procedures for the Interagency Wetlands Policy Act (17 Ill Adm Code 1090)

-First Notice Published: 19 Ill Reg 14238 - 10/13/95

-Expiration of Second Notice Period: 5/3/96

Nuclear Safety

Registration of Radioactive Material, Radiation Machines, and Radiation Installations (32 Ill Adm Code 320)

-First Notice Published: 20 Ill Reg 2326 - 2/9/96

-Expiration of Second Notice Period: 5/9/96

Safe Operation of Nuclear Facility Boilers and Pressure Vessels (32 Ill Adm Code 505)

-First Notice Published: 20 Ill Reg 100 - 1/5/96

-Expiration of Second Notice Period: 5/16/96

Licensing Requirements for Land Disposal of Radioactive Waste (32 Ill Adm Code 601)

-First Notice Published: 20 Ill Reg 984 - 1/19/96

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING

ROOM C-1

SPRINGFIELD, ILLINOIS

9:00 A.M.

APRIL 23, 1996

-Expiration of Second Notice Period: 5/1/96

Pollution Control Board

Definitions and General Provisions (35 Ill Adm Code 211)

-First Notice Published: 19 Ill Reg 15925 - 12/1/95

-Expiration of Second Notice Period: 4/24/96

Visible and Particulate Matter Emissions (35 Ill Adm Code 212)

-First Notice Published: 19 Ill Reg 15940 - 12/1/95

-Expiration of Second Notice Period: 4/24/96

Water Quality Standards (35 Ill Adm Code 302)

-First Notice Published: 20 Ill Reg 1445 - 1/26/96

-Expiration of Second Notice Period: 5/10/96

Professional Regulation

The Professional Engineering Practice Act of 1989 (68 Ill Adm Code 1380)

-First Notice Published: 20 Ill Reg 3050 - 2/16/96

-Expiration of Second Notice Period: 5/17/96

Public Aid

Aid to Families with Dependent Children (89 Ill Adm Code 112)

-First Notice Published: 19 Ill Reg 10363 - 7/21/95

-Expiration of Second Notice Period: 4/27/96

Medical Assistance Programs (89 Ill Adm Code 120)

-First Notice Published: 20 Ill Reg 1133 - 1/19/96

-Expiration of Second Notice Period: 4/27/96

Medical Assistance Programs (89 Ill Adm Code 120)

-First Notice Published: 19 Ill Reg 13797 - 10/6/96

-Expiration of Second Notice Period: 4/23/96

Medical Payment (89 Ill Adm Code 140)

-First Notice Published: 20 Ill Adm Code 1466 - 1/26/96

-Expiration of Second Notice Period: 5/12/96

Medical Payment (89 Ill Adm Code 140)

-First Notice Published: 19 Ill Reg 16778 - 12/22/95

-Expiration of Second Notice Period: 4/27/96

JOINT COMMITTEE ON ADMINISTRATIVE RULES
STRATTON OFFICE BUILDING

ROOM C-1
SPRINGFIELD, ILLINOIS

9:00 A.M.

APRIL 23, 1996

Medical Payment (89 Ill Adm Code 140)

- First Notice Published: 20 Ill Reg 1146 - 1/19/96
- Expiration of Second Notice Period: 5/8/96

Developmental Disabilities Services (89 Ill Adm Code 144)

- First Notice Published: 19 Ill Reg 16765 - 12/22/95
- Expiration of Second Notice Period: 4/27/96

Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill Adm Code 147)

- First Notice Published: 19 Ill Reg 16798 - 12/22/95
- Expiration of Second Notice Period: 4/27/96

Demonstration Programs (89 Ill Adm Code 170)

- First Notice Published: 19 Ill Reg 10381 - 7/21/95
- Expiration of Second Notice Period: 4/27/96

Public Health

Illinois Veterans' Homes Code (77 Ill Adm Code 340)

- First Notice Published: 19 Ill Reg 14541 - 10/20/95
- Expiration of Second Notice Period: 4/24/96

Assessing Laboratory Fees for Toxicologic Analysis (77 Ill Adm Code 475)

- First Notice Published: 19 Ill Reg 6284 - 5/5/95
- Expiration of Second Notice Period: 5/22/96

Illinois Swimming Pool and Bathing Beach Code (77 Ill Adm Code 820)

- First Notice Published: 20 Ill Reg 1164 - 1/19/96
- Expiration of Second Notice Period: 4/24/96

Racing Board

Procedures for License Hearings (11 Ill Adm Code 205)

- Expiration of Second Notice Period: 5/17/96

Charitable Funds (11 Ill Adm Code 208)

- First Notice Published: 20 Ill Reg 2366 - 2/9/96
- Expiration of Second Notice Period: 5/17/96

Repeal of Special Purse and Reward Fund (11 Ill Adm Code 410)

- First Notice Published: 20 Ill Reg 1485 - 1/26/96
- Expiration of Second Notice Period: 5/17/96

-First Notice

JOINT COMMITTEE ON ADMINISTRATIVE RULES
STRATTON OFFICE BUILDING

ROOM C-1

SPRINGFIELD, ILLINOIS

9:00 A.M.

APRIL 23, 1996

Revenue

Income Tax (86 Ill Adm Code 100)

- First Notice Published: 20 Ill Reg 1489 - 1/26/96
- Expiration of Second Notice Period: 5/3/96

Retailers' Occupation Tax (86 Ill Adm Code 130)

- First Notice Published: 19 Ill Reg 16483 - 12/15/95
- Expiration of Second Notice Period: 5/1/96

Service Occupation Tax (86 Ill Adm Code 140)

- First Notice Published: 19 Ill Reg 16500 - 12/15/95
- Expiration of Second Notice Period: 5/1/96

Use Tax (86 Ill Adm Code 150)

- First Notice Published: 19 Ill Reg 16511 - 12/15/95
- Expiration of Second Notice Period: 5/1/96

Service Use Tax (86 Ill Adm Code 160)

- First Notice Published: 19 Ill Reg 16507 - 12/15/95
- Expiration of Second Notice Period: 5/1/96

Savings and Residential Finance

Real Estate License Act of 1983 (68 Ill Adm Code 1450)

- First Notice Published: 20 Ill Reg 2330 - 2/9/96
- Expiration of Second Notice Period: 5/18/96

Real Estate Appraiser Certification (68 Ill Adm Code 1455)

- First Notice Published: 20 Ill Reg 3061 - 2/16/96
- Expiration of Second Notice Period: 5/18/96

Secretary of State

Business Corporation Act (14 Ill Adm Code 150)

- First Notice Published: 20 Ill Reg 1750 - 2/2/96
- Expiration of Second Notice Period: 5/8/96

General Not For Profit Corporations (14 Ill Adm Code 160)

- First Notice Published: 20 Ill Reg 1768 - 2/2/96
- Expiration of Second Notice Period: 5/8/96

Revised Uniform Limited Partnership Act (14 Ill Adm Code 170)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
APRIL 23, 1996

- First Notice Published: 20 Ill Reg 1779 - 2/2/96
- Expiration of Second Notice Period: 5/8/96
- Limited Liability Company Act (14 Ill Adm Code 178)
 - First Notice Published: 20 Ill Reg 1773 - 2/2/96
 - Expiration of Second Notice Period: 5/8/96
- Uniform Commercial Code (14 Ill Adm Code 180)
 - First Notice Published: 20 Ill Reg 1787 - 2/2/96
 - Expiration of Second Notice Period: 5/8/96

State Fire Marshal

- Boiler and Pressure Vessel Safety (41 Ill Adm Code 120)
-First Notice Published: 19 Ill Reg 12159 - 8/25/95
-Expiration of Second Notice Period: 5/11/96

EMERGENCY & PEREMPTORY RULEMAKINGS

Aging

- Community Care Program (89 Ill Adm Code 240) (Emergency)
-Notice Published: 20 Ill Reg 5388 - 4/5/96

Agriculture

- Meat and Poultry Inspection Act (8 Ill Adm Code 125) (Peremptory)
-Notice Published: 20 Ill Reg 5091 - 3/29/96

Children and Family Services

- Appeal of Child Abuse and Neglect Investigation Findings (89 Ill Adm Code 336) (Emergency)
-Notice Published: 20 Ill Reg 4817 - 3/22/96

Human Rights

- Procedural (56 Ill Adm Code 2520) (Emergency)
-Notice Published: 20 Ill Reg 5084 - 3/29/96

EXPEDITED CORRECTIONS

Commerce Commission

JOINT COMMITTEE ON ADMINISTRATIVE RULES
STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
APRIL 23, 1996

- Waiver of Filing and Approval of Certain Sales, Leases and Mortgages
(General Order 175) (83 Ill Adm Code 105)

Human Rights

- Access to Information (2 Ill Adm Code 926)

EXEMPT RULEMAKINGS

Pollution Control Board

- Permits (35 Ill Adm Code 309)
-Proposed Date: 1/19/96
-Adopted Date: 4/12/96

- Pretreatment Programs (35 Ill Adm Code 310)
-Proposed Date: 1/19/96
-Adopted Date: 4/12/96

- Sewer Discharge Criteria (35 Ill Adm Code 307)
-Proposed Date: 1/19/96
-Adopted Date: 4/12/96

AGENCY RESPONSES

Children and Family Services

- Background Checks (89 Ill Adm Code 385)

Human Rights

- Procedural (56 Ill Adm Code 2520)

Public Aid

- Child Support Enforcement (89 Ill Adm Code 160)

Revenue

- Property Tax Code (86 Ill Adm Code 110)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of April 2, 1996 through April 8, 1996 and have been scheduled for review by the Committee at its April 23, 1996 or May 21, 1996 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
5/16/96	Department of Nuclear Safety, Safe Operation of Nuclear Facility Boilers and Pressure Vessels (32 Ill Adm Code 505)	1/5/96 20 Ill Reg 100	4/23/96
5/17/96	Department of Professional Regulation, The Professional Engineering Practice Act of 1989 (68 Ill Adm Code 1380)	2/16/96 20 Ill Reg 3050	4/23/96
5/17/96	Illinois Racing Board, Procedures for License Hearings (11 Ill Adm Code 205)	2/9/96 20 Ill Reg 2370	4/23/96
5/17/96	Illinois Racing Board, Repeal of Special Purse and Reward Fund (11 Ill Adm Code 410)	1/26/96 20 Ill Reg 1485	4/23/96
5/17/96	Illinois Racing Board, Charitable Funds (11 Ill Adm Code 208)	2/9/96 20 Ill Reg 2366	4/23/96
5/18/96	Commissioner of Savings and Residential Finance, Real Estate License Act of 1983 (68 Ill Adm Code 1450)	2/9/96 20 Ill Reg 2330	4/23/96
5/18/96	Commissioner of Savings and Residential Finance, Real Estate Appraiser Certification (68 Ill Adm Code 1455)	2/16/96 20 Ill Reg 3061	4/23/96
5/19/96	Department of Natural Resources, Rental of Boats and Boating Facilities (17 Ill Adm Code 210)	2/16/96 20 Ill Reg 2647	4/23/96

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

5/22/96	Department of Public Health, Assessing Laboratory Fees for Toxicologic Analysis (77 Ill Adm Code 475)	5/5/95 19 Ill Reg 6284	4/23/96
5/22/96	Department of Professional Regulation, Illinois Architecture Practice Act of 1989 (68 Ill Adm Code 1150)	2/2/96 20 Ill Reg 1737	5/21/96
5/22/96	Human Rights Commission, Procedural Rules (56 Ill Adm Code 5300)	1/5/96 20 Ill Reg 97	5/21/96

ACTION CODES	
A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PF - Prohibited Filing Order by JCAR*
C - Notice of Corrections	PP - Peremptory or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR* Objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR*	S - Suspension ordered by JCAR*
O - JCAR* Statement of Objections	W - Withdrawal to meet JCAR*
RQ - Request for Correction	MR - Modification and Refusal
EC - Expedited Corrections	
*Joint Committee on Administrative Rules	

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS APPEARED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-7017.

AGING, DEPARTMENT ON

89 Ill. Adm. Code 240
Community Care Program (P-12563/95;A-1493)
(P-2627) (P-5104) (E-5388)

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 30
Animal Control Act (P-12734/95;A-1505)
8 Ill. Adm. Code 110
Animal Diagnostic Laboratory Act
(P-12739/95;A-255)
8 Ill. Adm. Code 25
Animal Welfare Act (P-12750/95;A-265)
8 Ill. Adm. Code 60
Bees And Apiary Act (A-2390)
8 Ill. Adm. Code 75
Bovine Brucellosis (P-12762/95;A-1509)
8 Ill. Adm. Code 20
Definitions (P-12776/95;A-1522)
8 Ill. Adm. Code 85
Diseased Animals (P-12783/95;A-276)
8 Ill. Adm. Code 116
Equine Infectious Anemia Control
(P-12798/95;A-290)
68 Ill. Adm. Code 590
Feeder Swine Dealer Licensing
(P-12802/95;A-1532)
8 Ill. Adm. Code 281
Grain Code (P-1;A-5499)
68 Ill. Adm. Code 600
Grain Dealers (PR-15;AR-5513)
8 Ill. Adm. Code 55
Hatcheries, Poultry Flocks, And Produce Thereof
(P-12807/95;A-1537)
8 Ill. Adm. Code 90
Illinois Dead Animal Disposal Act
(P-12812/95;A-294)
8 Ill. Adm. Code 285
Illinois Grain Insurance Act (PR-25;AR-5515)
8 Ill. Adm. Code 115
Illinois Pseudorabies Control Act
(P-12821/95;A-1542)

8 Ill. Adm. Code 40
Livestock Auction Markets (P-12826/95;A-1546)
68 Ill. Adm. Code 610
Livestock Dealer Licensing (P-12832/95;A-1552)
8 Ill. Adm. Code 125
Meat And Poultry Inspection Act (PP-5091)
8 Ill. Adm. Code 505
Public Grain Warehouse And Warehouse Receipts Act (PR-33;AR-5517)
8 Ill. Adm. Code 100
Swine Brucellosis (P-12837/95;A-1557)
8 Ill. Adm. Code 105
Swine Disease Control And Eradication Act (P-12843/95;A-1563)
8 Ill. Adm. Code 600
Weights And Measures Act (P-13121/95;A-303)

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF

77 Ill. Adm. Code 2070
Schedule Of Controlled Substances
(P-12328/95;A-3081)
77 Ill. Adm. Code 2080
Triplicate Prescription Control Program
(P-12355/95;A-3107)

ATTORNEY GENERAL

14 Ill. Adm. Code 200
Franchise Disclosure Act (RQ-3347) (EC-4458)

AUDITOR GENERAL

74 Ill. Adm. Code 420
Code Of Regulations (P-12114/95;A-701)
74 Ill. Adm. Code 440
Code Of Rules (P-12143/95;A-730)

BANKS AND TRUST COMPANIES, COMMISSIONER OF

38 Ill. Adm. Code 396
Corporate Fiduciary Subsidiaries (P-2638)
38 Ill. Adm. Code 315
Electronic Fund Transfers (P-4871)
38 Ill. Adm. Code 310
Electronic Fund Transfers (PR-4850)
38 Ill. Adm. Code 900
Hearings For Removal Of Directors, Officers, Employees Or Agents Of A State Bank (P-5326)
Standards For Operation And Conduct Of Affairs Of Corporate Fiduciaries (P-15290/95;A-5060)

CAPITAL DEVELOPMENT BOARD

44 Ill. Adm. Code 1050
Insurance And Surety Companies (PR-1702)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

11. Adm. Code 302
Merit And Fitness (P-14505/95;A-3507)
11. Adm. Code 310
Pay Plan (P-12365/95;A-308) (P-4008) (E-4060)
(P-4091) (P-4491) (P-5106) (P-5405)
44 Ill. Adm. Code 1
Standard Procurement (P-4878) (C-5896)
40 Ill. Adm. Code 3000
The Travel Regulation Council (P-935) (P-4887)
(C-5897)
80 Ill. Adm. Code 2800
Travel (P-942)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

89 Ill. Adm. Code 304
Access To And Eligibility For Child Welfare Services (P-10345/95;A-1569)
89 Ill. Adm. Code 336
Appeal Of Child Abuse And Neglect Investigation Findings (P-4511) (E-4817)

ILLINOIS REGISTER
CUMULATIVE INDEX

Vol. 20, Issue #16 April 19, 1996

83 Ill. Adm. Code 105	Waiver Of Filing And Approval Of Certain Sales, Leases And Mortgages (RQ-5737)
COMPTROLLER MERIT COMMISSION	
80 Ill. Adm. Code 100	Merit Commission Rules (P-12865/95;A-746)
COMPTROLLER, OFFICE OF THE	
38 Ill. Adm. Code 610	Illinois Funeral Or Burial Funds Act (P-3655)
CORRECTIONS, DEPARTMENT OF	
20 Ill. Adm. Code 103	Public Relations (RC-5746)
20 Ill. Adm. Code 107	Records Of Committed Persons (P-54)
20 Ill. Adm. Code 525	Rights And Privileges (P-1719)
20 Ill. Adm. Code 801	Secure Residential Youth Care Facility (P-1371)
CRIMINAL JUSTICE INFORMATION AUTHORITY, ILLINOIS	
20 Ill. Adm. Code 1520	Operating Procedures For The Administration Of Federal Funds (P-2645) (E-3335)
EDUCATION, STATE BOARD OF	
23 Ill. Adm. Code 185	Building Specifications For Health And Safety In Public Schools (PR-13996/95;AR-3515)
23 Ill. Adm. Code 175	Efficient And Adequate Standards For The Building Specifications For The Construction Of Schools (PR-14162/95;AR-3518)
23 Ill. Adm. Code 575	School Technology Program (P-13701/95;A-3522)
23 Ill. Adm. Code 350	Secular Textbook Loan (P-4018)
EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS	
23 Ill. Adm. Code 2310	Functions And Planning Program (P-5415)
ELECTIONS, STATE BOARD OF	
26 Ill. Adm. Code 207	Miscellaneous (P-5763)
EMPLOYMENT SECURITY, DEPARTMENT OF	
56 Ill. Adm. Code 2770	Determination Of Unemployment Contributions (P-13168/95;A-350)
56 Ill. Adm. Code 2765	Payment Of Unemployment Contributions, Interest And Penalties (P-15879/95;A-4307)
ENVIRONMENTAL PROTECTION AGENCY	
35 Ill. Adm. Code 183	Joint Rules Of The Illinois Environmental Protection Agency, The Illinois Department Of Public Health And The Illinois Department Of Nuclear Safety: Certification And Operation Of Environmental Laboratories (P-11731/95;A-3160)
35 Ill. Adm. Code 184	Licensing Of Industrial Hygienists (P-5419)
35 Ill. Adm. Code 366	Procedures And Requirements For Determining Loan Priorities For Municipal Wastewater Treatment Works (P-81)

ILLINOIS REGISTER
CUMULATIVE INDEX

Vol. 20, Issue #16 April 19, 1996

89 Ill. Adm. Code 338	Appeal Of Foster Family Home License Denials By Relative Caregivers (P-12408/95;A-1574)
89 Ill. Adm. Code 380	Background Check Of Foster Family Home Applicants (PR-3629)
89 Ill. Adm. Code 385	Background Checks (P-3640) (E-3930) (P-5133)
89 Ill. Adm. Code 358	Background Inquiry For Purchase Of Service Providers (PR-3643)
89 Ill. Adm. Code 404	Licensing Standards For Child Care Institutions And Maternity Centers (P-5160)
89 Ill. Adm. Code 401	Licensing Standards For Child Welfare Agencies (P-5173)
89 Ill. Adm. Code 405	Licensing Standards For Day Care Agencies (P-5184)
89 Ill. Adm. Code 406	Licensing Standards For Day Care Homes (P-5197)
89 Ill. Adm. Code 402	Licensing Standards For Foster Family Homes (P-10347/95;A-1589) (E-3954) (P-5221)
89 Ill. Adm. Code 408	Licensing Standards For Group Day Care Homes (P-5236)
89 Ill. Adm. Code 403	Licensing Standards For Group Homes (P-5261)
89 Ill. Adm. Code 410	Licensing Standards For Youth Emergency Shelters (P-5271)
89 Ill. Adm. Code 301	Placement And Visitation Services (P-3648)
89 Ill. Adm. Code 357	Purchase Of Service (P-3650)
89 Ill. Adm. Code 335	Relative Home Placement (P-658) (E-920)
89 Ill. Adm. Code 300	Reports Of Child Abuse And Neglect (P-4513)
89 Ill. Adm. Code 302	Services Delivered By The Department (P-15120/95;A-4606)
89 Ill. Adm. Code 312	Transfer Of Violent Offenders To The Department Of Corrections (P-660) (E-924)
COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF	
14 Ill. Adm. Code 510	Illinois Promotion Act Programs (P-16340/95;A-5064)
14 Ill. Adm. Code 610	Public Infrastructure Loan And Grant Programs (P-12849/95;A-1179)
47 Ill. Adm. Code 110	State Administration Of The Federal Community Development Block Grant Program For Small Cities (P-947)
47 Ill. Adm. Code 120	State Administration Of The Federal Community Services Block Grant Program (R-3982) (F-4077) (P-13127/95;A-4611)
COMMERCE COMMISSION, ILLINOIS	
2 Ill. Adm. Code 1701	Access To Information (A-4049)
83 Ill. Adm. Code 441	Effect Of Adoption Of Least-Cost Plans (P-969)
83 Ill. Adm. Code 725	Standards Of Service Applicable To 9-1-1 Emergency Systems (General Order 207) (PR-13663/95;AR-5333) (P-13632/95;A-5335)

Vol. 20, Issue #16	ILLINOIS REGISTER CUMULATIVE INDEX	April 19, 1996
35 Ill. Adm. Code 365	Procedures For Issuing Loans From The Water Pollution Control Revolving Fund (P-12860/95;A-788)	
35 Ill. Adm. Code 276	Procedures To Be Followed In The Performance Of Annual Inspections Of Motor Vehicle Exhaust Emissions (P-4100)	
FINANCIAL INSTITUTIONS, DEPARTMENT OF		
38 Ill. Adm. Code 110	Consumer Installment Loan Act (P-16410/95;A-5799)	
38 Ill. Adm. Code 190	Illinois Credit Union Act (P-16415/95;A-5803)	
38 Ill. Adm. Code 130	Schedules Of Maximum Rates To Be Charged For Check Cashing And Writing Of Money Orders By Community And Ambulatory Currency Exchanges (P-5770)	
38 Ill. Adm. Code 205	Transmitters Of Money Act (P-16423/95;A-5811)	
FIRE MARSHAL, OFFICE OF THE STATE		
41 Ill. Adm. Code 170	Storage, Transportation, Sale And Use Of Petroleum And Other Regulated Substances (P-15125/95;A-4698)	
41 Ill. Adm. Code 180	Storage, Transportation, Sale And Use Of Gasoline And Volatile Oils (P-15139/95;A-4711)	
GAMING BOARD, ILLINOIS		
86 Ill. Adm. Code 3000	Riverboat Gambling (P-7490/95;RC-4072) (P-15308/95;A-5814)	
HEALTH CARE COST CONTAINMENT COUNCIL, ILLINOIS		
77 Ill. Adm. Code 2510	Data Collection (P-15779/95;A-4727)	
HEALTH FACILITIES AUTHORITY, ILLINOIS		
2 Ill. Adm. Code 1901	Access To Information (A-358)	
2 Ill. Adm. Code 1900	Public Information, Rulemaking And Organization (A-364)	
77 Ill. Adm. Code 1400	Sale Of Bonds (P-91;A-5831)	
HEALTH FACILITIES PLANNING BOARD		
77 Ill. Adm. Code 1250	Appropriateness Review (CC-2595)	
77 Ill. Adm. Code 1120	Health Facilities Planning Financial And Economic Feasibility Review (CC-2596)	
77 Ill. Adm. Code 1130	Health Facilities Planning Procedural Rules (CC-2597)	
77 Ill. Adm. Code 1100	Narrative And Planning Policies (CC-2594) (P-4141)	
77 Ill. Adm. Code 1190	Permit Application Fees (CC-2598)	
77 Ill. Adm. Code 1180	Practice And Procedure In Administrative Hearings (CC-2599)	
77 Ill. Adm. Code 1110	Processing, Classification Policies And Review Criteria (CC-2600) (P-4149) (P-8085/95;A-4734)	

Vol. 20, Issue #16	ILLINOIS REGISTER CUMULATIVE INDEX	April 19, 1996
77 Ill. Adm. Code 1200	Public Notice Of Opportunity For Public Hearing And Public Hearing Procedures (CC-2601) (P-4168)	
77 Ill. Adm. Code 1260	State Board Policy Statement Regarding Reserve Bed Capacity (CC-2602)	
HEALTH FACILITIES PLANNING BOARD, ILLINOIS		
77 Ill. Adm. Code 1110	Processing, Classification Policies And Review Criteria (A-4734)	
HUMAN RIGHTS COMMISSION		
56 Ill. Adm. Code 5300	Procedural Rules (P-97) (E-410)	
HUMAN RIGHTS, DEPARTMENT OF		
2 Ill. Adm. Code 926	Access To Information (RQ-5739)	
56 Ill. Adm. Code 2520	Procedural (E-445) (P-15319/95;O-4073) (P-4892) (E-5084)	
INDUSTRIAL COMMISSION		
50 Ill. Adm. Code 7030	Arbitration (P-7764/95;A-3820) (P-12569/95;A-4053)	
50 Ill. Adm. Code 7100	Insurance Regulations (P-7770/95;A-3826)	
50 Ill. Adm. Code 7020	Pre-Arbitration (P-12577/95;A-3842)	
INSURANCE, DEPARTMENT OF		
50 Ill. Adm. Code 4801	Assigned Risk Procedures (CC-5732)	
50 Ill. Adm. Code 2001	Construction And Filing Of Accident And Health Forms (P-5284)	
50 Ill. Adm. Code 952	Credit Accident And Health Insurance Rules (P-8882/95;A-830)	
50 Ill. Adm. Code 1104	Credit For Reinsurance Ceded (P-12903/95;A-368)	
50 Ill. Adm. Code 6302	Definition Of Salary (P-13707/95;A-5838)	
50 Ill. Adm. Code 2405	Intergovernmental Joint Insurance Pool Annual Audited Financial Report (P-3673)	
50 Ill. Adm. Code 1102	Letters Of Credit (PR-12921/95;AR-386)	
50 Ill. Adm. Code 930	Life Insurance Solicitation (P-14920/95;A-4313) (CC-5735)	
50 Ill. Adm. Code 3119	Pre-Licensing And Continuing Education (P-4173)	
50 Ill. Adm. Code 2051	Preferred Provider Program Administrators (P-4025)	
50 Ill. Adm. Code 6501	Preferred Provider Program Administrators (PR-3677)	
50 Ill. Adm. Code 5100	Small Employer Carrier Actuarial Certification and Documentation Requirements (P-3688)	
50 Ill. Adm. Code 2801	Surplus Line Business Requirements (P-14232/95;A-5846)	
50 Ill. Adm. Code 1409	Valuation Of Life Insurance Policies (Including The Introduction And Use Of New Select Mortality Factors) (P-3695)	

ILLINOIS REGISTER		April 19, 1996
Vol. 20, Issue #16	CUMULATIVE INDEX	
LABOR RELATIONS BOARD, ILLINOIS STATE/ILLINOIS LOCAL		
2 Ill. Adm. Code 2501	Freedom Of Information (P-662)	
80 Ill. Adm. Code 1200	General Procedures (P-669)	
2 Ill. Adm. Code 2500	Public Information, Rulemaking And Organization (P-674)	
80 Ill. Adm. Code 1210	Representation Proceedings (P-684)	
80 Ill. Adm. Code 1220	Unfair Labor Practice Proceedings (P-691)	
LABOR, DEPARTMENT OF		
56 Ill. Adm. Code 355	Personnel Records Review Act (P-3729)	
LEGISLATIVE TRAVEL CONTROL BOARD		
80 Ill. Adm. Code 2850	Travel For Legislative Employees (PR-3748)	
LIQUOR CONTROL COMMISSION, ILLINOIS		
11 Ill. Adm. Code 100	Illinois Liquor Control Commission (P-12165/95;A-834) (EC-4469)	
LIQUOR CONTROL COMMISSION, ILLINOIS		
11 Ill. Adm. Code 100	The Illinois Liquor Control Commission (RQ-2244)	
MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES, DEPARTMENT OF		
59 Ill. Adm. Code 120	Medicaid Home And Community-Based Services Waiver Program For Individuals With Developmental Disabilities (P-6227/95;A-4762)	
59 Ill. Adm. Code 111	Recipient Rights (P-13487/95;A-5520)	
NATURAL RESOURCES, DEPARTMENT OF		
62 Ill. Adm. Code 1847	Administrative And Judicial Review (P-1454/95;A-1919)	
62 Ill. Adm. Code 1761	Areas Designated By Act Of Congress (P-1470/95;A-1935)	
62 Ill. Adm. Code 1800	Bonding And Insurance Requirements For Surface Coal Mining And Reclamation Operations (P-1474/95;A-1939) (P-4224)	
17 Ill. Adm. Code 130	Camping On Department Of Conservation Properties (P-1709)	
62 Ill. Adm. Code 1845	Civil Penalties (P-1481/95;A-1946)	
62 Ill. Adm. Code 1840	Department Inspections (P-1485/95;A-1949)	
17 Ill. Adm. Code 2030	Designation Of Restricted Waters In The State Of Illinois (P-12565/95;A-750) (P-4233)	
17 Ill. Adm. Code 590	Duck, Goose And Coot Hunting (P-13681/95;A-754)	
62 Ill. Adm. Code 1700	General (P-1492/95;A-1956)	
62 Ill. Adm. Code 1701	General Definitions (P-1498/95;A-1962)	
62 Ill. Adm. Code 1848	General Rules Relating To Procedure And Practice (P-1526/95;A-1989)	
62 Ill. Adm. Code 1817	Permanent Program Performance Standards--Underground Mining Operations (P-1530/95;A-1993)	

ILLINOIS REGISTER		April 19, 1996
Vol. 20, Issue #16	CUMULATIVE INDEX	
62 Ill. Adm. Code 1816	Permanent Program Performance Standards--Surface Mining Activities (P-1569/95;A-2027)	
62 Ill. Adm. Code 1778	Permit Applications--Minimum Requirements For Legal, Financial, Compliance, And Related Information (P-1627/95;A-2080)	
17 Ill. Adm. Code 2575	Relocation Assistance And Payment Program (P-13156/95;A-774)	
17 Ill. Adm. Code 210	Rental Of Boats And Boating Facilities (P-2647)	
62 Ill. Adm. Code 1772	Requirements For Coal Exploration (P-1631/95;A-2084)	
62 Ill. Adm. Code 1773	Requirements For Permits And Permit Processing (P-1637/95;A-2090)	
62 Ill. Adm. Code 1785	Requirements For Permits For Special Categories Of Mining (P-1653/95;A-2107)	
62 Ill. Adm. Code 1774	Revision; Renewal; And Transfer, Assignment, Or Sale Of Permit Rights (P-2118/95;A-2118)	
62 Ill. Adm. Code 1795	Small Operator Assistance (P-1670/95;A-2124)	
62 Ill. Adm. Code 1825	Special Permanent Program Performance Standards-- Operations On High Capability Lands (P-1676/95;A-2130)	
17 Ill. Adm. Code 810	Sport Fishing Regulations For The Waters Of Illinois (P-16344/95;A-4640)	
62 Ill. Adm. Code 1843	State Enforcement (P-1682/95;A-2136)	
62 Ill. Adm. Code 300	Surface Mined Land Conservation And Reclamation Act (P-4199)	
62 Ill. Adm. Code 1780	Surface Mining Permit Application--Minimum Requirements For Reclamation And Operation Plan (P-1687/95;A-2141)	
62 Ill. Adm. Code 1779	Surface Mining Permit Applications - Minimum Requirements For Information On Environmental Resources (P-2146/95;A-2146)	
17 Ill. Adm. Code 710	The Taking Of Wild Turkeys--Spring Season (P-13158/95;A-777)	
62 Ill. Adm. Code 1850	Training, Examination And Certification Of Blasters (P-1697/95;A-2151)	
62 Ill. Adm. Code 1783	Underground Mining Permit Applications--Minimum Requirements For Information On Environmental Resources (P-1706/95;A-2160)	
62 Ill. Adm. Code 1784	Underground Mining Permit Applications--Minimum Requirements For Reclamation And Operation Plan (P-1712/95;A-2166)	
17 Ill. Adm. Code 1538	Urban And Community Forestry Grant Program (P-973;A-5788)	
17 Ill. Adm. Code 670	White-Tailed Deer Hunting By Use Of Bow And Arrow (P-2278)	
17 Ill. Adm. Code 650	White-Tailed Deer Hunting By Use Of Firearms (P-2287)	
17 Ill. Adm. Code 660	White-Tailed Deer Hunting Season By Use Of Muzzleloading Rifles (P-2303)	

NUCLEAR SAFETY, DEPARTMENT OF

32 Ill. Adm. Code 401	Accrediting Persons In The Practice Of Medical Radiation Technology (P-3772)
32 Ill. Adm. Code 405	Certification Of Individuals To Perform Industrial Radiography (P-3779)
32 Ill. Adm. Code 601	Licensing Requirements For Land Disposal Of Radioactive Waste (P-984)
32 Ill. Adm. Code 410	Radiation Inspectors And Inspections (P-2314)
32 Ill. Adm. Code 320	Registration Of Radioactive Material, Radiation Machines, And Radiation Installations (P-2326)
32 Ill. Adm. Code 420	Registration Of Radon Detection And Mitigation Services (P-3785)
32 Ill. Adm. Code 505	Safe Operation Of Nuclear Facility Boilers And Pressure Vessels (P-100)
32 Ill. Adm. Code 610	Volunteered Location(s) Procedures For Selecting A Site For The Development Of A Low-Level Radioactive Waste Disposal Facility (P-14511/95;A-1186)
POLLUTION CONTROL BOARD	
35 Ill. Adm. Code 304	Effluent Standards (P-12583/95;A-3528)
35 Ill. Adm. Code 720	Hazardous Waste Management System:General (P-2651)
35 Ill. Adm. Code 721	Identification And Listing Of Hazardous Waste (P-2685)
35 Ill. Adm. Code 725	Interim Status Standards For Owners And Operators Of Hazardous Waste Treatment, Storage, And Disposal Facilities (P-2791)
35 Ill. Adm. Code 728	Land Disposal Restrictions (P-2813)
35 Ill. Adm. Code 218	Organic Material Emission Standards And Limitations For The Chicago Area (P-122)
35 Ill. Adm. Code 219	Organic Material Emission Standards And Limitations For The Metro East Area (P-155) (P-14267/95;A-3848)
35 Ill. Adm. Code 309	Permits (P-992;A-5526)
35 Ill. Adm. Code 310	Pretreatment Programs (P-1000;A-5533)
2 Ill. Adm. Code 2175	Public Information, Rulemaking And Organization (AR-4796) (A-4798)
35 Ill. Adm. Code 702	RCRA And UIC Permit Programs (P-2924)
35 Ill. Adm. Code 703	RCRA Permit Program (P-2940)
35 Ill. Adm. Code 307	Sewer Discharge Criteria (P-1018;A-5549)
35 Ill. Adm. Code 809	Special Waste Hauling (P-13182/95;A-5635)
35 Ill. Adm. Code 722	Standards Applicable To Generators Of Hazardous Waste (P-2951)
35 Ill. Adm. Code 724	Standards For Owners And Operators Of Hazardous Waste Treatment, Storage, And Disposal Facilities (P-2960)
35 Ill. Adm. Code 726	Standards For The Management Of Specific Hazardous Waste And Specific Types Of Hazardous Waste Management Facilities (P-2980)

PROFESSIONAL REGULATION, DEPARTMENT OF

35 Ill. Adm. Code 733	Standards For Universal Waste Management (P-3008)
35 Ill. Adm. Code 302	Water Quality Standards (P-1445)
35 Ill. Adm. Code 303	Water Use Designations And Site Specific Water Quality Standards (P-12589/95;A-3534)
PROFESSIONAL REGULATION, DEPARTMENT OF	
68 Ill. Adm. Code 1400	Clinical Psychologist Licensing Act (P-4521)
68 Ill. Adm. Code 1470	Clinical Social Work And Social Work Practice Act (P-16015/95;A-4323)
77 Ill. Adm. Code 3100	Controlled Substance Act (P-5425)
68 Ill. Adm. Code 1247	Environmental Health Practitioner Licensing Act (A-2400)
68 Ill. Adm. Code 1150	Illinois Architecture Practice Act Of 1989 (P-1737)
68 Ill. Adm. Code 1160	Illinois Athletic Trainers Practice Act (A-2408)
68 Ill. Adm. Code 1340	Illinois Physical Therapy Act (P-1103)
68 Ill. Adm. Code 1270	Illinois Professional Land Surveyor Act Of 1989 (P-1118;A-5852) (A-5852)
68 Ill. Adm. Code 1285	Medical Practice Act Of 1987 (P-3457)
68 Ill. Adm. Code 1295	Naprapathic Practice Act (P-1124;A-5639)
68 Ill. Adm. Code 1320	Optometric Practice Act Of 1987 (P-5430)
68 Ill. Adm. Code 1330	Pharmacy Practice Act Of 1987 (P-3041) (W-4828)
68 Ill. Adm. Code 1240	Private Detective, Private Alarm And Private Security Act Of 1993 (P-13187/95;A-3191) (R-3344) (F-4078)
68 Ill. Adm. Code 1380	The Professional Engineering Practice Act Of 1989 (P-3050)
PUBLIC AID, DEPARTMENT OF	
89 Ill. Adm. Code 112	Aid To Families With Dependent Children (P-11773/95;A-845) (P-1454;W-3589) (P-2336) (P-3461) (P-14292/95;A-3538) (P-12759/95;A-5648)
89 Ill. Adm. Code 113	Aid To The Aged, Blind Or Disabled (P-13489/95;A-858)
89 Ill. Adm. Code 111	Assistance Standards (P-13771/95;A-1191)
89 Ill. Adm. Code 160	Child Support Enforcement (P-13775/95;A-1195) (P-15347/95;A-5659) (W-5730) (O-5747)
89 Ill. Adm. Code 170	Demonstration Programs (P-8933/95;A-866) (P-15572/95;RC-4074;A-4333)
89 Ill. Adm. Code 144	(P-16025/95;A-4333) (P-11316/95;A-5685) (P-13789/95;A-5685) (C-5898)
89 Ill. Adm. Code 1421	Developmental Disabilities Services (P-4035) (P-4526) (P-5434)
89 Ill. Adm. Code 121	Food Stamps (P-12602/95;A-1593) (PP-2229;O-4075) (P-3791) (P-5440)
89 Ill. Adm. Code 114	General Assistance (P-4237) (E-4445) (O-5748)
89 Ill. Adm. Code 148	Hospital Services (P-13199/95;A-872) (P-3801)

89 Ill. Adm. Code 153	Long Term Care Reimbursement Changes (P-9383/95;RC-15853/95;RS-4070)
89 Ill. Adm. Code 120	Medical Assistance Programs (P-1133) (P-8512/95;A-5068)
89 Ill. Adm. Code 140	Medical Payment (P-1146) (P-12604/95;A-1210) (P-1466) (P-2346) (P-14530/95;A-4345) (P-15581/95;A-4345) (P-15788/95;A-4345) (P-4531) (P-5448) (P-16134/95;A-5858) Practice In Administrative Hearings (P-12604/95;A-1229) (P-15353/95;A-5699) Refugee/Entrant/Repatriate Program (P-5466) Related Program Provisions (P-8942/95;A-877) (P-13816/95;A-5706) Rights And Responsibilities (P-12227/95;A-883) Specialized Health Care Delivery System (P-14533/95;A-4419)
89 Ill. Adm. Code 104	Child Health Examination Code (P-4894) College Immunization Code (P-1219/95;A-3584) Community Living Facilities Code (P-187) (E-456) Drinking Water Systems Code (P-3812) (E-3968) Emergency Medical Services And Trauma Center Code (P-13823/95;A-3203) Food Service Sanitation Code (P533/95;A-2171) (A-3210) Hospice Programs (P-190) (E-467) (O-2593) Hospital Licensing Requirements (P-192) (E-474) (P-10407/95;A-3234)
89 Ill. Adm. Code 115	Illinois Swimming Pool And Bathing Beach Code (P-1164)
89 Ill. Adm. Code 117	Illinois Home Health Agency Code (P-214) (E-488) (P-11325/95;A-3273) Illinois Veterans' Homes Code (P-217) (E-496) Immunization Code (P-4906) Intermediate Care For The Developmentally Disabled Facilities Code (P-220) (E-512) Local Health Protection Grant Rules (P-3814) (E-3974) Long-Term Care Assistants And Aides Training Programs Code (P-223) (E-529) Long-Term Care For Under Age 22 Facilities Code (P-244) (E-535) Newborn Metabolic Screening And Treatment Code (RQ-1235) (EC-3590) Nursing Education Scholarships (P-4917) Private Sewage Disposal Code (A-2431) Retail Food Store Sanitation Code (P-2201/95;A-2201) (P-13920/95;A-3307) Sheltered Care Facilities Code (P-247) (E-552)
89 Ill. Adm. Code 102	
89 Ill. Adm. Code 146	

PUBLIC HEALTH, DEPARTMENT OF

77 Ill. Adm. Code 665	
77 Ill. Adm. Code 694	
77 Ill. Adm. Code 370	
77 Ill. Adm. Code 900	
77 Ill. Adm. Code 515	
77 Ill. Adm. Code 750	
77 Ill. Adm. Code 280	
77 Ill. Adm. Code 250	
77 Ill. Adm. Code 820	
77 Ill. Adm. Code 245	
77 Ill. Adm. Code 340	
77 Ill. Adm. Code 695	
77 Ill. Adm. Code 350	
77 Ill. Adm. Code 615	
77 Ill. Adm. Code 395	
77 Ill. Adm. Code 390	
77 Ill. Adm. Code 661	
77 Ill. Adm. Code 597	
77 Ill. Adm. Code 905	
77 Ill. Adm. Code 760	
77 Ill. Adm. Code 330	

77 Ill. Adm. Code 300	Skilled Nursing And Intermediate Care Facilities Code (P-250) (E-567) Tanning Facilities Code (A-2422)
77 Ill. Adm. Code 795	
RACING BOARD, ILLINOIS	
11 Ill. Adm. Code 321	Account Wagering (P-12956/95;A-5878) Charitable Funds (P-2366) Forbidden Conduct (P-15814/95;A-5883) Horse Health Rules (P-15817/95;A-5886) Interstate Common Pools (P-3816) Licensing (P-1174) Procedures For License Hearings (P-2370) Special Purse And Reward Fund (PR-1485)
11 Ill. Adm. Code 208	
11 Ill. Adm. Code 1320	
11 Ill. Adm. Code 1431	
11 Ill. Adm. Code 302	
11 Ill. Adm. Code 502	
11 Ill. Adm. Code 205	
11 Ill. Adm. Code 410	
REHABILITATION SERVICES, DEPARTMENT OF	
89 Ill. Adm. Code 515	Advisory Councils (P-3474) Appeals And Hearings (P-3480) Centers For Independent Living (PR-4922) Centers Of Independent Living (P-4561) Eligibility (P-5296) Illinois Children's School And Rehabilitation Center's Respite Program (PR-5300) Prescreening (P-3502) Projects With Industry (P-2374) Provider Requirements, Type Services, And Rates Of Payment (P-3065) Services (P-3071) Voter Registration Program (P-13541/95;A-3330)
89 Ill. Adm. Code 510	
89 Ill. Adm. Code 885	
89 Ill. Adm. Code 886	
89 Ill. Adm. Code 682	
89 Ill. Adm. Code 787	
89 Ill. Adm. Code 681	
89 Ill. Adm. Code 640	
89 Ill. Adm. Code 686	
89 Ill. Adm. Code 590	
89 Ill. Adm. Code 880	
REVENUE, DEPARTMENT OF	
86 Ill. Adm. Code 800	General Rule For All Taxes (P-5038) Income Tax (P-1489) (E-1616) Motor Fuel Tax (P-5311) Payment Of Taxes By Electronic Funds Transfer (P-5042) Practice And Procedure For Hearings Before The Illinois Department Of Revenue (P-7143/95;A-888) Property Tax Code (P-2394/95;O-4076) (W-5895) Retailers' Occupation Tax (P-14336/95;A-4428) (P-5047) (P-14756/95;A-5366) (P-5470) (P-5774) Service Occupation Tax (P-14765/95;A-5379) The Gas Revenue Tax Act (P-696) Tobacco Products Tax Act Of 1995 (P-5317)
86 Ill. Adm. Code 100	
86 Ill. Adm. Code 500	
86 Ill. Adm. Code 750	
86 Ill. Adm. Code 200	
86 Ill. Adm. Code 110	
86 Ill. Adm. Code 130	
86 Ill. Adm. Code 140	
86 Ill. Adm. Code 470	
86 Ill. Adm. Code 660	
SAVINGS AND RESIDENTIAL FINANCE, COMMISSIONER OF	
68 Ill. Adm. Code 1455	Real Estate Appraiser Certification (P-3061) Residential Mortgage License Act Of 1987 (P-14348/95;A-388)
38 Ill. Adm. Code 1050	

SAVINGS AND RESIDENTIAL FINANCES, COMMISSIONER OF

68 Ill. Adm. Code 1450 Real Estate License Act Of 1983 (P-2330)

SECRETARY OF STATE

14 Ill. Adm. Code 150 Business Corporation Act (P-1750)

92 Ill. Adm. Code 1040 Cancellation, Revocation Or Suspension Of Licenses Or Permits (A-2558)

92 Ill. Adm. Code 1010 Certificates Of Title, Registration Of Vehicles (P-5481)

92 Ill. Adm. Code 1060 Commercial Driver Training Schools (P-12365/95;A-3861)

92 Ill. Adm. Code 1020 Dealers, Wreckers, Transporters And Rebuilders (P-5488)

14 Ill. Adm. Code 160 General Not For Profit Corporations (P-1768)

92 Ill. Adm. Code 1070 Illinois Safety Responsibility Law (P-13543/95;A-398) (P-2378)

92 Ill. Adm. Code 1030 Issuance Of Licenses (P-14395/95;A-3891)

14 Ill. Adm. Code 178 Limited Liability Company Act (P-1773)

23 Ill. Adm. Code 3040 Literacy Grant Program (P-16815/95;A-5889)

92 Ill. Adm. Code 1001 Procedures And Standards (P-1491) (E-1626)

23 Ill. Adm. Code 3060 Public Library Construction Grants (P-5490)

14 Ill. Adm. Code 135 Regulations Under The Business Opportunity Sales Law Of 1995 (E-584) (P-4239)

14 Ill. Adm. Code 140 Regulations Under The Illinois Business Brokers Act Of 1995 (E-603) (P-4260)

14 Ill. Adm. Code 145 Regulations Under The Illinois Loan Brokers Act Of 1995 (E-629) (P-4287)

14 Ill. Adm. Code 170 Revised Uniform Limited Partnership Act (P-1779)

23 Ill. Adm. Code 3030 The Illinois Library System Act (P-14412/95;A-3909)

14 Ill. Adm. Code 180 Uniform Commercial Code (P-1787)

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

80 Ill. Adm. Code 1540 The Administration And Operation Of The State Employees' Retirement System Of Illinois (P-2385)

STATE POLICE MERIT BOARD, DEPARTMENT OF

80 Ill. Adm. Code 150 Procedures Of The Department Of The State Police Merit Board (P-13834/95;A-404)

STATE POLICE, DEPARTMENT OF

20 Ill. Adm. Code 1282 Child Sex Offender Community Notification Law (P-4043)

20 Ill. Adm. Code 1265 Electronic Transmission Of Fingerprints (P-3077)

20 Ill. Adm. Code 1280 Sex Offender Registration Act (P-253) (E-640)

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

80 Ill. Adm. Code 250 State Universities Civil Service System (P-16518/95;A-4440)

STUDENT ASSISTANCE COMMISSION, ILLINOIS

23 Ill. Adm. Code 2771 College Savings Bond Bonus Incentive Grant (BIG) Program (P-1791)

23 Ill. Adm. Code 2764 David A. Debolt Teacher Shortage Scholarship Program (P-1796)

23 Ill. Adm. Code 2720 Federal Family Education Loan Program (FFELP) (P-1802)

23 Ill. Adm. Code 2700 General Provisions (P-1824)

23 Ill. Adm. Code 2731 Grant Program For Dependents Of Correctional Officers (P-4572)

23 Ill. Adm. Code 2730 Illinois National Guard Grant Program (P-1841)

23 Ill. Adm. Code 2765 Illinois Special Education Teacher Tuition Waiver Program (P-1848)

23 Ill. Adm. Code 2733 Illinois Veteran Grant (IVG) Program (P-1854)

23 Ill. Adm. Code 2790 Limitation, Suspension And Termination Proceedings (P-1860)

23 Ill. Adm. Code 2761 Merit Recognition Scholarship (MRS) Program (P-1869)

23 Ill. Adm. Code 2763 Minority Teachers Of Illinois (MTI) Scholarship Program (P-1875)

23 Ill. Adm. Code 2735 Monetary Award Program (MAP) (P-1881)

23 Ill. Adm. Code 2762 Paul Douglas Teacher Scholarship Program (P-1892)

23 Ill. Adm. Code 2732 Police Officer/Fire Officer Survivor Grant Program (P-4580)

23 Ill. Adm. Code 2755 Robert C. Byrd Honors Scholarship Program (P-1898)

23 Ill. Adm. Code 2760 State Scholar Program (P-1905)

23 Ill. Adm. Code 2770 Student To Student (STS) Program Of Matching Grants (P-1914)

TEACHERS' RETIREMENT SYSTEM, ILLINOIS

80 Ill. Adm. Code 1650 The Administration And Operation Of The Teachers' Retirement System (P-13840/95;A-3118)

TOLL HIGHWAY AUTHORITY, ILLINOIS STATE

92 Ill. Adm. Code 2520 State Toll Highway Rules (P-4589)

TRANSPORTATION, DEPARTMENT OF

92 Ill. Adm. Code 554 Oversize And Overweight Permit Movements On State Highways (A-2565)

UNIVERSITY OF ILLINOIS, THE BOARD OF TRUSTEES OF

2 Ill. Adm. Code 5155 Division Of Services For Crippled Children: Public Information, Rulemaking And Organization (A-3918)

NOTICE OF PUBLIC HEARINGS

ILLINOIS REGISTER		ILLINOIS REGISTER	
Vol. 20, Issue #16	CUMULATIVE INDEX	Vol. 20, Issue #16	CUMULATIVE INDEX
APRIL 19, 1996		APRIL 19, 1996	
AGRICULTURE, DEPARTMENT OF		AGRICULTURE, DEPARTMENT OF	
8 Ill. Adm. Code 281; Grain Code	1639		
CHILDREN AND FAMILY SERVICES, DEPARTMENT OF		CHILDREN AND FAMILY SERVICES, DEPARTMENT OF	
89 Ill. Adm. Code 302; Services Delivered By The Department	1241		
89 Ill. Adm. Code 312; Transfer Of Violent Juvenile Offenders To The Department Of Corrections	1242		
COMPTROLLER, OFFICE OF THE		COMPTROLLER, OFFICE OF THE	
38 Ill. Adm. Code 610; Illinois Funeral Or Burial Act	5736		
CORRECTIONS, DEPARTMENT OF		CORRECTIONS, DEPARTMENT OF	
20 Ill. Adm. Code 801; Secure Residential Youth Care Facilities	2242		
ENVIRONMENTAL PROTECTION AGENCY		ENVIRONMENTAL PROTECTION AGENCY	
35 Ill. Adm. Code 276; Procedures To Be Followed In The Performance Of Annual Inspections Of Motor Vehicle Exhaust Emissions	4837		
35 Ill. Adm. Code 276; Procedures To Be Followed In The Performance Of Annual Inspections Of Motor Vehicle Exhaust Emissions	5100		
LABOR, DEPARTMENT OF		LABOR, DEPARTMENT OF	
56 Ill. Adm. Code 355; Personnel Records Review Act	5101		
56 Ill. Adm. Code 220; Six Day Week Law	2243		
PUBLIC HEALTH, DEPARTMENT OF		PUBLIC HEALTH, DEPARTMENT OF	
77 Ill. Adm. Code 515; Emergency Medical Services And Trauma Center Code	4473		
REVENUE, DEPARTMENT OF		REVENUE, DEPARTMENT OF	
86 Ill. Adm. Code 100; Income Tax	646		
PUBLIC INFORMATION		PUBLIC INFORMATION	
AFFORDABLE HOUSING PROGRAM, ILLINOIS		AFFORDABLE HOUSING PROGRAM, ILLINOIS	
Annual Plan Of The Advisory Commission	647		
ENVIRONMENTAL PROTECTION AGENCY		ENVIRONMENTAL PROTECTION AGENCY	
Listing Of Derived Water Quality Criteria	649		
Listing Of Derived Water Quality Criteria	4829		
Notice Of Proposed Settlement-People Vs. City Of Quincy, Et Al.	5098		
FINANCIAL INSTITUTIONS, DEPARTMENT OF		FINANCIAL INSTITUTIONS, DEPARTMENT OF	
Unclaimed Property Owners	3358		
LABOR, DEPARTMENT OF		LABOR, DEPARTMENT OF	

ILLINOIS REGISTER		ILLINOIS REGISTER	
Vol. 20, Issue #16	CUMULATIVE INDEX	Vol. 20, Issue #16	CUMULATIVE INDEX
APRIL 19, 1996		APRIL 19, 1996	
AGRICULTURE, DEPARTMENT OF		AGRICULTURE, DEPARTMENT OF	
Pursuant To Section 9 Of The Prevailing Wage Act, 820 ILCS 130/9	1237		
LOTTERY, DEPARTMENT OF		LOTTERY, DEPARTMENT OF	
Listing Of Game-Specific Materials - 1995	1239		
POLLUTION CONTROL BOARD		POLLUTION CONTROL BOARD	
Notice Pursuant To 415 ILCS 5/7.2(b)	3444		
REVENUE, DEPARTMENT OF		REVENUE, DEPARTMENT OF	
Index Of Letter Rulings (1995-4th Quarter)(Income Tax)	3984		
1995 Fourth Quarter Sunshine Index	3592		
REGULATORY AGENCY		REGULATORY AGENCY	
AGRICULTURE, DEPARTMENT OF		AGRICULTURE, DEPARTMENT OF	
BANKS AND TRUST COMPANIES, COMMISSIONER OF	3446		
CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF (et al.)	1640		
COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF (et al.)	1643		
COMMERCE COMMISSION, ILLINOIS	1246		
COMPTROLLER MERIT COMMISSION	1647		
CORRECTIONS, DEPARTMENT OF	1260		
CRIMINAL JUSTICE INFORMATION AUTHORITY, ILLINOIS	1267		
EDUCATION, STATE BOARD OF	1268		
FINANCIAL INSTITUTIONS, DEPARTMENT OF (et al.)	1648		
HEALTH FACILITIES PLANNING BOARD	4000		
HOUSING DEVELOPMENT AUTHORITY, ILLINOIS (et al.)	1650		
HUMAN RIGHTS, DEPARTMENT OF (et al.)	2248		
INSURANCE, DEPARTMENT OF (et al.)	1654		
MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES, DEPARTMENT OF (et al.)	1657		
NATURAL RESOURCES, DEPARTMENT OF	1247		
NATURAL RESOURCES, DEPARTMENT OF (et al.)	2251		

PROCLAMATIONS	
95-587 Helen Wojcik Day	1369
95-588 NU City Youth Choir Day	1369
95-589 Phil Longcor Commended	1370
95-590 Toys for Tots Day	1370
96-001 Reverend Leroy Conkhite II Day	2269
96-002 Orvetta M. Robinson Day	2269
96-003 Pastor Joseph T. Ledwell Day	2270
96-004 William R. Norwood Day	2270
96-005 Mahomet-Seymour Marching Bulldogs Day	2271
96-006 A Day for Angels: Angelman Syndrome Awareness Day	2271
96-007 Chicago Veterinary Medical Association 100th Anniversary Week	2272
96-008 Optians Month	2272
96-009 Chicago R.E.A.C.H.	2272
96-010 Project Red Ribbon	2272
96-011 Arlena G. Brown Month	2273
96-012 Young Professionals Week	2273
96-013 Salem Children's Home Month	2274
96-014 Patrick Arbor Day	2274
96-015 Homewood Fire Department Day	2275
96-016 University of Illinois College of Medicine at Rockford Commended	2275
96-017 Earthquake Preparedness Week	2276
96-018 Gunner Sergeant Mike B. Ruffner Day	2276
96-019 Jerome Ritchey Day	3615
96-020 Cystic Fibrosis Awareness Week	3615
96-021 Denim Day	3615
96-022 Dr. Martin Luther King Day	3616
96-023 Ameritech Day	3616
96-024 Apprenticeship Week	3617
96-025 Flour Daniel Day	3617
96-026 Nutrition Month	3618
96-027 Central Baptist Home Congratulated on Its 100th Anniversary	3618
96-028 Chicago Historical Society Last Best Hope on Earth Day	3618
96-029 Girls and Women in Sports Day	3619
96-030 Music Education Day at the Capitol	3619
96-031 Prospect Heights Days	3620
96-032 Armenian Youth Day	3620
96-033 Bill Busch Day	3621
96-034 Frank J. Nustra Day	3621
96-035 Kiwanis Week	3622
96-036 Black Data Processing Associates Day	3622
96-037 Catholic Schools Week/National Appreciation Day for Catholic Schools	3623
96-038 Daniel Barenboim Day	3623
96-039 Engineers Week	3623
96-040 Literacy Appreciation Day	3624

NUCLEAR SAFETY, DEPARTMENT OF	1275
POLLUTION CONTROL BOARD	1286
POLLUTION CONTROL BOARD (et al.)	1663
PROFESSIONAL REGULATION, DEPARTMENT OF (et al.)	1668
PUBLIC AID, DEPARTMENT OF (et al.)	2608
PUBLIC HEALTH, DEPARTMENT OF (et al.)	4475
RACING BOARD, ILLINOIS (et al.)	1680
REHABILITATION SERVICES, DEPARTMENT OF (et al.)	1683
REVENUE, DEPARTMENT OF	5908
SAVINGS AND RESIDENTIAL FINANCE, COMMISSIONER OF (et al.)	2603
SECRETARY OF STATE (et al.)	2253
STATE POLICE, DEPARTMENT OF	1342
STUDENT ASSISTANCE COMMISSION, ILLINOIS	1348
TEACHERS' RETIREMENT SYSTEMS OF THE STATE OF ILLINOIS	2267
TRANSPORTATION, DEPARTMENT OF (et al.)	1696
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
AGENDA	
Agenda for Meeting of January 23, 1996	1362
Agenda for Meeting of February 20, 1996	3450
Agenda for Meeting of March 26, 1996	4838
Agenda for Meeting of April 23, 1996	5917
SECOND NOTICES RECEIVED	
657, 930, 1368, 1701, 2268, 2626, 3455, 3614, 4005, 4079, 4476, 4845, 5102, 5398, 5749, 5925	
EXECUTIVE ORDERS AND PROCLAMATIONS	
EXECUTIVE ORDERS	
95-4 Executive Order Creating the Governor's Commission on Gangs in Illinois	932
95-5 Illinois State Employees in Active Duty for Bosnia-Herzegovina Peace-Keeping Efforts	934

ILLINOIS REGISTER			ILLINOIS REGISTER		
CUMULATIVE INDEX			CUMULATIVE INDEX		
Vol. 20, Issue #16		April 19, 1996	Vol. 20, Issue #16		April 19, 1996
96-041 Student Financial Aid and Admissions Awareness Month	3624		96-082 Employ the Older Worker Week		4488
96-042 Woodruff High School Music Department Commended	3625		96-083 Foreign Language Week		4488
96-043 Jackie Chan Day	3625		96-084 African American Fraternity and Sorority Week		4489
96-044 Chicago Metropolitan Bowling Association Month	3626		96-085 Metrovision Souther Illinois Day		4489
96-045 Child Passenger Safety Month	3626		96-086 St. David's Day		4490
96-046 Critical Care Nurse Week	3627		96-087 Casimir Pulaski Day		4847
96-047 Midwest Hardware Association Day	3627		96-088 Mother of the Year Day		4847
96-048 Village of Steger Commended on Its 100th Anniversary	3627		96-089 Carolyn Kazmierczak Commended		4847
96-049 We Remember, We Care for Indigent Persons Day	3628		96-090 Dental Assistants Recognition Week		4848
96-050 Illini Hockey Club Day	4080		96-091 Fritz Cambell Day		4848
96-051 African American History Month	4080		96-092 Tree City USA Month		4849
96-052 Evelina B. Martinez Day	4081		96-093 Chicago Business Opportunity Days		5400
96-053 Illinois Association of Junior High Student Councils Week	4081		96-094 Croatian-American Association Day		5400
96-054 Illinois Women's Bowling Association Week	4081		96-095 Women's History Month		5401
96-055 Land Surveyors' Month	4082		96-096 Fritz Campbell Day		5401
96-056 Aurora Lamplights Chorus Commended	4082		96-097 Illinois Crime Victims' Rights Week		5401
96-057 Industrial Distribution Day	4083		96-098 A Magic Night In The Secret Garden		5402
96-058 LULAC Week	4083		96-099 Bangladesh Day		5402
96-059 Four Chaplains Sunday	4084		96-100 Student-Athlete Day		5403
96-060 School Psychologists Association Week	4084		96-101 Veterinary Medical Education Week		5403
96-061 Blanche Wade Southe Day	4085		96-102 Area 3 Region P.A.C.E. Weekend		5751
96-062 Block-Kids of Illinois Month	4085		96-103 Lou Henson Day		5751
96-063 FFA Week	4085		96-104 Tibetan Day		5751
96-064 Future Business Leaders of America-Phi Beta Lambda Week	4085		96-105 Professional Social Workers Month		5752
96-065 Lithuanian Independence Day	4086		96-106 Licensed Practical Nurse Week		5752
96-066 NAACP Day	4086		96-107 WSEP Day		5753
96-067 Natural Resources Stewardship Month	4087		96-108 Federal Employees of the Year Day		5753
96-068 Red Cloud Athletic Fund Day	4087		96-109 Chicago Latino Film Festival Days		5754
96-069 Lester H. McKeever, Jr. Day	4088		96-110 Early Intervention Month/Look What I Can Do Week		5754
96-070 Estonian Day	4088		96-111 Elaine V. Mons Month		5754
96-071 Healthy Choices for the 90s Week/Medical Assistants Week	4089		96-112 Long-Term Care Administrators Week		5755
96-072 McHenry County Housing Authority/90 Day Referendum Notice	4089		96-113 Occupational Therapy Month		5756
96-073 World Day for Children	4090		96-114 Walkamerica Weekend		5756
96-074 Helen Lenehan Commended	4478		96-115 D.A.R.E. Day		5757
96-075 Tom Short Day	4479		96-116 Glory to Glory Day		5757
96-076 Dr. C. C. Owens Day	4480		96-117 Public Health Week		5757
96-077 Holy Family Medical Center Day	4486		96-118 Records and Information Management Day		5758
96-078 Iranian Heritage Day	4486		96-119 American Red Cross Month		5758
96-079 Severe Weather Preparedness Week	4487		96-120 Breastfeeding Promotion Month		5759
96-080 Loyalty Day	4487		96-121 Independent Insurance Agents Centennial Day		5760
96-081 Community Consolidated School District 15 Commended on 50th Anniversary	4487		96-122 Malcolm X College Career Expo Day		5760
			96-123 Saving Month		5760
			96-124 Africa Week		5760
			96-125 Better Hearing and Speech Month		5761
			96-126 Call Before You Dig Month		5761
			96-127 Poetry Month		5762

[illegible]

TITLE 39, cont.	1050.425	am	(P-14348/95-A.368)	n	1104.120	(P-12903/95-A.368)	n	(P-3779)	355.320
TITLE 41	170.210	am	(P-15125/95-A.4698)	n	1409.10	(P-3695)	n	(P-3779)	355.340
TITLE 42	170.310	am	(P-15125/95-A.4698)	n	1409.40	(P-3695)	n	(P-3779)	355.360
TITLE 43	170.546	am	(P-15139/95-A.4711)	n	1409.50	(P-3695)	n	(P-3779)	355.380
TITLE 44	180.10	am	(P-15139/95-A.4711)	n	1409.60	(P-3695)	n	(P-3779)	355.400
TITLE 45	180.22	am	(P-15139/95-A.4711)	n	180.22	(P-3695)	n	(P-3779)	355.420
TITLE 46	180.23	am	(P-15139/95-A.4711)	n	180.23	(P-3695)	n	(P-3779)	355.440
TITLE 47	1050.110	n	(P-9478)	n	1050.110	(P-9478)	n	(P-3779)	355.500
TITLE 48	1050.120	r	(P-1702)	am	2001.10	(P-5284)	am	(P-3779)	355.600
TITLE 49	1050.130	r	(P-1702)	am	2001.20	(P-5284)	am	(P-3779)	355.620
TITLE 50	1050.140	r	(P-1702)	am	2001.30	(P-5284)	am	(P-3779)	355.640
TITLE 51	1050.150	r	(P-1702)	am	2001.40	(P-5284)	am	(P-3779)	355.660
TITLE 52	1050.160	r	(P-1702)	am	2001.50	(P-5284)	am	(P-3779)	355.680
TITLE 53	1050.170	r	(P-1702)	am	2001.60	(P-5284)	am	(P-3779)	355.700
TITLE 54	1050.180	r	(P-1702)	am	2001.70	(P-5284)	am	(P-3779)	355.720
TITLE 55	1050.190	r	(P-1702)	am	2001.80	(P-5284)	am	(P-3779)	355.740
TITLE 56	1050.200	r	(P-1702)	am	2001.90	(P-5284)	am	(P-3779)	355.760
TITLE 57	1050.210	r	(P-1702)	am	2002.00	(P-5284)	am	(P-3779)	355.780
TITLE 58	1050.220	r	(P-1702)	am	2002.10	(P-5284)	am	(P-3779)	355.800
TITLE 59	1050.230	r	(P-1702)	am	2002.20	(P-5284)	am	(P-3779)	355.820
TITLE 60	1050.240	r	(P-1702)	am	2002.30	(P-5284)	am	(P-3779)	355.840
TITLE 61	1050.250	r	(P-1702)	am	2002.40	(P-5284)	am	(P-3779)	355.860
TITLE 62	1050.260	r	(P-1702)	am	2002.50	(P-5284)	am	(P-3779)	355.880
TITLE 63	1050.270	r	(P-1702)	am	2002.60	(P-5284)	am	(P-3779)	355.900
TITLE 64	1050.280	r	(P-1702)	am	2002.70	(P-5284)	am	(P-3779)	355.920
TITLE 65	1050.290	r	(P-1702)	am	2002.80	(P-5284)	am	(P-3779)	355.940
TITLE 66	1050.300	r	(P-1702)	am	2002.90	(P-5284)	am	(P-3779)	355.960
TITLE 67	1050.310	r	(P-1702)	am	2003.00	(P-5284)	am	(P-3779)	355.980
TITLE 68	1050.320	r	(P-1702)	am	2003.10	(P-5284)	am	(P-3779)	356.000
TITLE 69	1050.330	r	(P-1702)	am	2003.20	(P-5284)	am	(P-3779)	356.020
TITLE 70	1050.340	r	(P-1702)	am	2003.30	(P-5284)	am	(P-3779)	356.040
TITLE 71	1050.350	r	(P-1702)	am	2003.40	(P-5284)	am	(P-3779)	356.060
TITLE 72	1050.360	r	(P-1702)	am	2003.50	(P-5284)	am	(P-3779)	356.080
TITLE 73	1050.370	r	(P-1702)	am	2003.60	(P-5284)	am	(P-3779)	356.100
TITLE 74	1050.380	r	(P-1702)	am	2003.70	(P-5284)	am	(P-3779)	356.120
TITLE 75	1050.390	r	(P-1702)	am	2003.80	(P-5284)	am	(P-3779)	356.140
TITLE 76	1050.400	r	(P-1702)	am	2003.90	(P-5284)	am	(P-3779)	356.160
TITLE 77	1050.410	r	(P-1702)	am	2004.00	(P-5284)	am	(P-3779)	356.180
TITLE 78	1050.420	r	(P-1702)	am	2004.10	(P-5284)	am	(P-3779)	356.200
TITLE 79	1050.430	r	(P-1702)	am	2004.20	(P-5284)	am	(P-3779)	356.220
TITLE 80	1050.440	r	(P-1702)	am	2004.30	(P-5284)	am	(P-3779)	356.240
TITLE 81	1050.450	r	(P-1702)	am	2004.40	(P-5284)	am	(P-3779)	356.260
TITLE 82	1050.460	r	(P-1702)	am	2004.50	(P-5284)	am	(P-3779)	356.280
TITLE 83	1050.470	r	(P-1702)	am	2004.60	(P-5284)	am	(P-3779)	356.300
TITLE 84	1050.480	r	(P-1702)	am	2004.70	(P-5284)	am	(P-3779)	356.320
TITLE 85	1050.490	r	(P-1702)	am	2004.80	(P-5284)	am	(P-3779)	356.340
TITLE 86	1050.500	r	(P-1702)	am	2004.90	(P-5284)	am	(P-3779)	356.360
TITLE 87	1050.510	r	(P-1702)	am	2005.00	(P-5284)	am	(P-3779)	356.380
TITLE 88	1050.520	r	(P-1702)	am	2005.10	(P-5284)	am	(P-3779)	356.400
TITLE 89	1050.530	r	(P-1702)	am	2005.20	(P-5284)	am	(P-3779)	356.420
TITLE 90	1050.540	r	(P-1702)	am	2005.30	(P-5284)	am	(P-3779)	356.440
TITLE 91	1050.550	r	(P-1702)	am	2005.40	(P-5284)	am	(P-3779)	356.460
TITLE 92	1050.560	r	(P-1702)	am	2005.50	(P-5284)	am	(P-3779)	356.480
TITLE 93	1050.570	r	(P-1702)	am	2005.60	(P-5284)	am	(P-3779)	356.500
TITLE 94	1050.580	r	(P-1702)	am	2005.70	(P-5284)	am	(P-3779)	356.520
TITLE 95	1050.590	r	(P-1702)	am	2005.80	(P-5284)	am	(P-3779)	356.540
TITLE 96	1050.600	r	(P-1702)	am	2005.90	(P-5284)	am	(P-3779)	356.560
TITLE 97	1050.610	r	(P-1702)	am	2006.00	(P-5284)	am	(P-3779)	356.580
TITLE 98	1050.620	r	(P-1702)	am	2006.10	(P-5284)	am	(P-3779)	356.600
TITLE 99	1050.630	r	(P-1702)	am	2006.20	(P-5284)	am	(P-3779)	356.620
TITLE 100	1050.640	r	(P-1702)	am	2006.30	(P-5284)	am	(P-3779)	356.640
TITLE 101	1050.650	r	(P-1702)	am	2006.40	(P-5284)	am	(P-3779)	356.660
TITLE 102	1050.660	r	(P-1702)	am	2006.50	(P-5284)	am	(P-3779)	356.680
TITLE 103	1050.670	r	(P-1702)	am	2006.60	(P-5284)	am	(P-3779)	356.700
TITLE 104	1050.680	r	(P-1702)	am	2006.70	(P-5284)	am	(P-3779)	356.720
TITLE 105	1050.690	r	(P-1702)	am	2006.80	(P-5284)	am	(P-3779)	356.740
TITLE 106	1050.700	r	(P-1702)	am	2006.90	(P-5284)	am	(P-3779)	356.760
TITLE 107	1050.710	r	(P-1702)	am	2007.00	(P-5284)	am	(P-3779)	356.780
TITLE 108	1050.720	r	(P-1702)	am	2007.10	(P-5284)	am	(P-3779)	356.800
TITLE 109	1050.730	r	(P-1702)	am	2007.20				

SECTIONS AFFECTED INDEX

April 19, 1996

[illegible]

SECTIONS AFFECTED INDEX

April 19, 1996

[illegible]

Title 89, cont.		ISSUES INDEX		April 19, 1996	
410.20	am	(P-5271)	886.100	n	(P-4569)
410.30	r	(P-5271)	886.110	n	(P-4569)
410.40	am	(P-5271)		n	(P-4569)
410.60	am	(P-5271)		n	(P-4569)
410.70	am	(P-5271)		n	(P-4569)
410.100	am	(P-5271)		n	(P-4569)
410.130	am	(P-5271)		n	(P-4569)
410.140	am	(P-5271)		n	(P-4569)
410.350	am	(P-5271)		n	(P-4569)
510.5	am	(P-3480)		n	(P-4569)
510.10	am	(P-3480)		n	(P-4569)
510.20	am	(P-3480)		n	(P-4569)
510.30	am	(P-3480)		n	(P-4569)
510.40	am	(P-3480)		n	(P-4569)
510.50	am	(P-3480)		n	(P-4569)
510.60	am	(P-3480)		n	(P-4569)
510.70	am	(P-3480)		n	(P-4569)
510.80	am	(P-3480)		n	(P-4569)
510.90	am	(P-3480)		n	(P-4569)
510.100	am	(P-3480)		n	(P-4569)
510.110	am	(P-3480)		n	(P-4569)
510.120	am	(P-3480)		n	(P-4569)
515.500	am	(P-3474)		n	(P-4569)
590.720	am	(P-3071)		n	(P-4569)
640.20	am	(P-2374)		n	(P-4569)
640.30	am	(P-2374)		n	(P-4569)
681.20	am	(P-3502)		n	(P-4569)
681.30	am	(P-3502)		n	(P-4569)
681.35	n	(P-3502)		n	(P-4569)
681.40	am	(P-3502)		n	(P-4569)
681.50	am	(P-3502)		n	(P-4569)
682.300	am	(P-5296)		n	(P-4569)
686.10	am	(P-3065)		n	(P-4569)
787.10	am	(P-5300)		n	(P-4569)
787.20	r	(P-5300)		n	(P-4569)
787.30	r	(P-5300)		n	(P-4569)
787.40	r	(P-5300)		n	(P-4569)
787.50	r	(P-5300)		n	(P-4569)
860.10	n	(P-3330)		n	(P-4569)
860.20	n	(P-3330)		n	(P-4569)
860.30	n	(P-3330)		n	(P-4569)
860.40	n	(P-3330)		n	(P-4569)
860.50	n	(P-3330)		n	(P-4569)
860.60	n	(P-3330)		n	(P-4569)
860.70	n	(P-3330)		n	(P-4569)
865.10	r	(P-4921)		n	(P-4569)
865.30	r	(P-4921)		n	(P-4569)
865.100	r	(P-4921)		n	(P-4569)
865.110	r	(P-4921)		n	(P-4569)
865.200	r	(P-4921)		n	(P-4569)
865.210	r	(P-4921)		n	(P-4569)
865.310	r	(P-4921)		n	(P-4569)
865.315	r	(P-4921)		n	(P-4569)
865.316	r	(P-4921)		n	(P-4569)
865.317	r	(P-4921)		n	(P-4569)
865.318	r	(P-4921)		n	(P-4569)
865.319	r	(P-4921)		n	(P-4569)
865.320	r	(P-4921)		n	(P-4569)
865.321	r	(P-4921)		n	(P-4569)
865.322	r	(P-4921)		n	(P-4569)
865.323	r	(P-4921)		n	(P-4569)
865.324	r	(P-4921)		n	(P-4569)
865.325	r	(P-4921)		n	(P-4569)
865.326	r	(P-4921)		n	(P-4569)
865.327	r	(P-4921)		n	(P-4569)
865.328	r	(P-4921)		n	(P-4569)
865.329	r	(P-4921)		n	(P-4569)
865.330	r	(P-4921)		n	(P-4569)
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ADOPTED

2-1701-10	35-309-15	77-2510-12	77-245-1
2-1900-1	35-310-15	80-100-2	77-250-1
2-1901-1	35-365-2	80-150-1	77-280-1
2-2175R-12	35-809-15	80-250-11	77-300-1
2-2175-12	38-110-16	80-302-8	77-330-1
2-5155-9	38-190-16	80-310-1	77-340-1
8-20-4	38-205-16	80-1650-7	77-350-1
8-25-1	38-399-13	83-725R-14	77-370-1
8-30-4	38-1070-1	83-725-14	77-390-1
8-40-4	41-170-12	86-130-11,14	77-395-1
8-55-4	41-180-12	86-140-14	77-615-9
8-60-6	47-120-12	86-200-2	77-900-9
8-75-4	50-930-11	86-3000-16	80-310-10
8-85-1	50-952-2	89-102-2	86-100-4
8-90-1	50-1102-1	89-104-3,15	89-114-11
8-100-4	50-1104-1	89-111-3	89-240-14
8-105-4	50-2801-16	89-112-2,8,15	89-301-9
8-110-1	50-7020-9	89-113-2	89-312-2
8-115-4	50-7030-10	89-117-2,15	89-335-2
8-116-1	50-7030-9	89-120-13	89-336-12
8-281-15	50-7100-9	89-121-4	89-385-9
8-505R-15	56-2765-11	89-140-3,11,16	89-402-9
8-600-1	56-2770-1	89-146-11	92-1001-4
11-100-2	59-111-15	89-148-2	PEREMPT.
11-321-16	59-120-12	89-160-3,15	8-125-13
11-1320-16	68-600R-15	89-170-2,11,15	89-121-5
11-1431-16	68-590-4	89-240-4	
14-510-13	68-610-4	89-301-12	
14-610-3	68-1160-6	89-302-12	
17-590-2	68-1270-16	89-304-4	
17-710-2	68-1295-15	89-312-2	
17-810-12	68-1240-7	89-335-2	
17-1538-16	68-1247-6	89-338-4	
17-2030-2	68-1470-11	89-402-4	
17-2575-2	74-420	89-880-7	
23-175-8	77-245-7	89-554-6	
23-185-8	77-250-7	89-1040-6	
23-575-8	77-515-7	92-1030-9	
23-610-3	77-694-8	92-1060-9	
23-3030-9	77-695-6	EMERGENCY	
23-3040-16	77-750-7	14-135-1	
35-183-7	77-760-7	14-140-1	
35-219-9	77-905-6	14-145-1	
35-303-8	77-1110-12	20-1520-7	
35-304-8	77-1400-16	20-1280-1	
35-307-15	77-2070-7	56-2520-13	
	77-2080-7	56-5300-1	

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